

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: April 3, 2007  
Public Hearing: April 24, 2007

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

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance granting Special Permit No. ZON07-00001 to satisfy parking requirements for Parcel 1, described as Lot 20, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas (2224 Yandell Drive); by allowing off-site off-street parking on Parcel 2, described as a portion of Lots 9 and 11 and all of Lot 10, Block 16, Cotton Addition, City of El Paso, El Paso County, Texas (2219 Yandell Drive); Parcel 3, described as the south portions of Lots 21-24, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas (2216 Yandell Drive), and Parcel 4, described as Lots 26-32, and a portion of Lot 25, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas (2212 Yandell Drive) pursuant to Section 20.42.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 2224 Yandell Drive. Applicant: Socorro Moreno ZON07-00001 (District 8)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** R. Alan Schubert

**APPROVED FOR AGENDA:**

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

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

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00001 TO SATISFY PARKING REQUIREMENTS FOR PARCEL 1, DESCRIBED AS LOT 20, BLOCK 8, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (2224 YANDELL DRIVE); BY ALLOWING OFF-SITE OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS A PORTION OF LOTS 9 AND 11 AND ALL OF LOT 10, BLOCK 16, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (2219 YANDELL DRIVE); PARCEL 3, DESCRIBED AS THE SOUTH PORTIONS OF LOTS 21-24, BLOCK 8, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (2216 YANDELL DRIVE), AND PARCEL 4, DESCRIBED AS LOTS 26-32, AND A PORTION OF LOT 25, BLOCK 8, COTTON ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS (2212 YANDELL DRIVE) PURSUANT TO SECTION 20.42.040 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Duncan Crowell, Samuel Diaz, and Bran Watkins and Socorro Moreno, have applied for a Special Permit under Section 20.42.040 of the El Paso City Code to allow the off-site parking requirements of Section 20.64.170 to be satisfied off-site;

WHEREAS, the requirements of Section 20.42.040 have been satisfied; and

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

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval;

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

1. That Parcel 1, which is described as *Lot 20, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas*, is in a **C-4/sp (Commercial/special permit)** District which requires twenty-one (21) off-street parking spaces under Section 20.64.170 of the El Paso City Code;

2. That the City Council hereby grants a Special Permit under Section 20.42.040 of the El Paso City Code so that the off-street parking requirements

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CITY CLERK DEPT

**described in Paragraph 1 of this Ordinance may be partially satisfied off-site (nineteen spaces) as described in Paragraph 3 of this Ordinance;**

3. That Parcel 2, which is described as *a portion of Lots 9 and 11 and all of lot 10, Block 16, Cotton Addition, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A," and Parcel 3, which is described as *the south portions of Lots 21-24, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached and incorporated Exhibit "B," and Parcel 4, which is described as *Lots 26-32, and a portion of Lot 25, Block 8, Cotton Addition, City of El Paso, El Paso County Texas*, as more particularly described by metes and bounds in the attached and incorporated Exhibit "C," are located on separate sites from the property described in Paragraph 1 of this Ordinance;

**4. That the City Council hereby grants a Special Permit under Section 20.42.040 so that the properties described in Paragraph 3 of this Ordinance may be used as off-site off-street parking in order to partially satisfy the parking requirements described in Paragraph 1 of this Ordinance;**

5. That this Special Permit is issued subject to the development standards in the **C-4/sp (Commercial/special permit)** District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "D" and is incorporated herein by reference for all purposes;

6. That if at any time the off-street parking spaces described herein are not available to fulfill the parking requirements described herein, or if the Applicants fail to comply with any of the requirements of this Ordinance, **Special Permit No. ZON07-00001**, shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicants shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

**7. That the Applicants shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.**

ZON07-00001 Ord .doc/LCUE

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PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

THE CITY OF EL PASO

\_\_\_\_\_  
John Cook, Mayor

**ATTEST:**

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Kimberly Forsyth, Senior Planner  
Development Services Department

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**AGREEMENT**

**Duncan Crowell**, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the **C-4/sp (Commercial/special permit)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 21<sup>st</sup> day of March, 2007.

By: *Duncan Crowell*  
**Duncan Crowell**

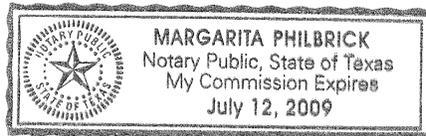
**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this 21<sup>st</sup> day of March, 2007, by **Duncan Crowell**, as Applicant.

My Commission Expires:  
July 12, 2009

*Margarita Philbrick*  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
MARGARITA PHILBRICK



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**AGREEMENT**

**Socorro Moreno**, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the **C-4/sp (Commercial/special permit)** District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 24th day of March, 2007.

By: Socorro Moreno  
**Socorro Moreno**

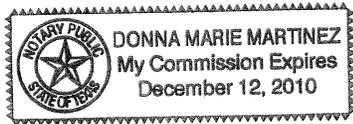
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

March This instrument is acknowledged before me on this 24th day of \_\_\_\_\_, 2007, by **Socorro Moreno**, as Applicant.

My Commission Expires:

Donna Marie Martinez  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
Donna Marie Martinez



**DORADO ENGINEERING, INC.**

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Parcel 2

Property Description: A portion of Lots 9 and 11, all of 10, block 16, Cotton Addition, El Paso, El Paso County, Texas

**METES AND BOUNDS DESCRIPTION**

Legal description of a parcel of land out of Cotton Addition, Block 16, and being more particularly described as follows:

Commencing at a point lying on the intersection of the common boundary line between Lots 11 and 12, Block 16, Cotton Addition and the northerly right-of-way line of Yandell boulevard; Thence South 53° 00' 00" West along said right-of-way line of Yandell Boulevard, a distance of twelve and fifty hundredths (12.50) feet to a point, said point being the Point of Beginning for this description;

Thence continuing along said right-of-way line of Yandell Boulevard South 53° 00' 00" West a distance of forty nine and twenty five hundredths (49.25) feet;

Thence North 37° 00' 00" West a distance of one hundred twenty and no hundredths (120.00) feet;

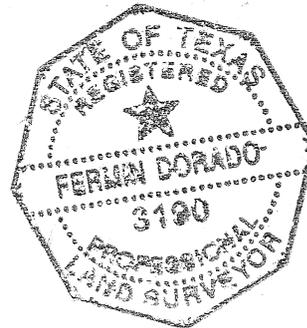
Thence North 53° 00' 00" East, a distance of forty nine and twenty five hundredths (49.50) feet;

Thence South 37° 00' 00" East, a distance of one hundred twenty and no hundredths (120.00) feet to a point, said point being the Point of Beginning.

Said parcel of land contains 5,910 square feet or 0.135 acres of land more or less.



Fermin Dorado R.P.L.S.



February 9, 2007

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**Exhibit "A"**

**DORADO ENGINEERING, INC.**

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Parcel 3

Property Description: A portion of Lots 21 <sup>THRU</sup> ~~and~~ 24, Block 8, Cotton Addition, El Paso,  
El Paso, County, Texas

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a portion of Lots 21 through 24, Block 8, Cotton Addition, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at a point lying on the intersection of the common boundary line between Lots 20 and 21, Block 8, Cotton Addition and the Northerly Right-of-Way line of an 18-foot alley, said point being the TRUE POINT OF BEGINNING of this description;

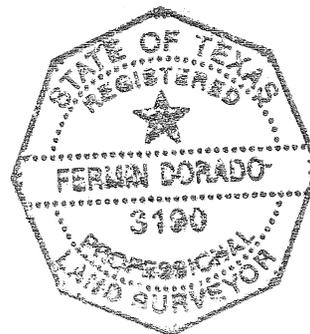
Thence South 53° 00' 00" West along said Right-of-Way, a distance of 79.60 feet;

Thence North 37° 00' 00" West a distance of 40.00 feet;

Thence North 53° 00' 00" East, a distance of 79.60 feet to a point lying on the common boundary line between Lots 20 and 21, Block 8, Cotton Addition;

Thence South 37° 00' 00" East, along said boundary line, a distance of 40.00 feet to the TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

Said parcel of land contains .0073 acres (3,184 sq. ft.) of land more or less.



A handwritten signature in black ink, appearing to read "Fernan Dorado".

Fernan Dorado R.P.L.S.

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CITY CLERK DEPT.

February 9, 2007

**Exhibit "B"**

**DORADO ENGINEERING, INC.**

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

Parcel 4

Property Description: Lots 32 through 26 and Portion of 25, Block 8, Cotton Addition, El Paso County, El Paso, Texas and is more particularly described as follows:

Beginning at the Northwest corner of Lot 32 and also being the Northwest corner of Block 8, Cotton Addition and being the Point of Beginning (x in concrete);

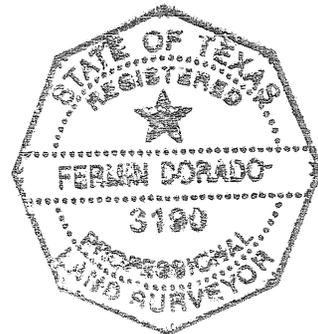
Thence North 53° 00' 00" East along the Southerly Right-of-Way line of Yandell Avenue a distance of one hundred eighty and no hundredths (180.00) to a corner said corner being the Northeast corner for said parcel of land (x in concrete);

Thence South 37° 00' 00" East a distance of one hundred twenty and no hundredths (120.00) feet to the Northerly Right-of-Way line of a 20 feet alley located in Block 8, Cotton Addition to a corner;

Thence South 53° 00' 00" West along said Northerly line of said alley a distance of one hundred eighty and no hundredths (180.00) feet to a ½" rebar located at the South West corner for said parcel of land and also lying on the Easterly Right-of-Way line of Walnut Street;

Thence North 37° 00' 00" West along said Right-of-Way line of Walnut Street a distance of one hundred twenty and no hundredths (120.00) feet to the Point of Beginning.

Said parcel of land contains 21,600 sq. ft. or 0.49 acres more or less.



A handwritten signature in black ink, appearing to read "Fermin Dorado".

Fermin Dorado R.P.L.S.

February 9, 2007

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**Exhibit "C"**

**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT**  
DIRECTOR, DEVELOPMENT SERVICES

**KELLY CARPENTER, AICP**  
DEPUTY DIRECTOR, PLANNING



**CITY COUNCIL**  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 6  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING DIVISION**

**MEMORANDUM**

**DATE:** March 28, 2007

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

**FROM:** Esther Guerrero, Planner

**SUBJECT: ZON07-00001**

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The City Plan Commission (CPC), on March 1, 2007, voted **6-0** to recommend **APPROVAL** of a special permit request for an off-site off-street parking for the subject property, concurring with staff's recommendation.

The CPC found that the special permit is in conformance with The Plan for El Paso Citywide land use goals that El Paso: "provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses." The CPC found that the proposed special permit will not have an adverse impact on the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general.

There was no opposition.

**Attachment:** Staff Report, Site Plan, Application



## ZON07-00001

<b>Application Type:</b>	Special Permit
<b>Property Owner(s):</b>	Duncan Crowell, Samuel Diaz and Bram Watkins
<b>Representative(s):</b>	Socorro Moreno
<b>Legal Description:</b>	Parcel 1: Lot 20, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas Parcel 2: A portion of Lots 9 and 11 and all of of Lot 10, Block 16, Cotton Addition, City of El Paso, El Paso County, Texas Parcel 3: A portion of Lots 21 – 24, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas Parcel 4: Lots 26 – 32, and a portion of Lot 25, Block 8, Cotton Addition, City of El Paso, El Paso County, Texas
<b>Location:</b>	Parcel 1: 2224 Yandell Drive; Parcel 2: 2219 Yandell Drive; Parcel 3: 2216 Yandell Drive; Parcel 4: 2212 Yandell Drive
<b>Representative District:</b>	8
<b>Zoning:</b>	Parcel 1: C-4/sp (Commercial/special permit); Parcel 2: C-4/sp (Commercial/special permit); Parcel 3: C-4/sp (Commercial/special permit), C-4 (Commercial); Parcel 4: C-4/sp (Commercial/special permit)
<b>Request:</b>	Parcel 1: Restaurant; Parcels 2, 3 and 4: Off-site parking
<b>Recognized Neighborhood Associations Contacted:</b>	A Presidential Neighborhood Association, Five Points Neighborhood Association
<b>Public Response:</b>	None
<b>Surrounding Land Uses:</b>	<b>North:</b> A-2, C-1 / Single-family, Bank, <b>South:</b> C-4 / Warehouse <b>East:</b> C-4 / Parking Lot, <b>West:</b> A-2, C-1 / Parking Lot, Television Station
<b>Year 2025 Designation:</b>	<b>Mixed Use, Commercial</b> (Central Planning Area)



## General Information

The applicant is requesting a special permit to allow for off-site parking on Parcel 2 - 2219 Yandell Drive, Parcel 3 - 2216 Yandell Drive and Parcel 4 - 2212 Yandell Drive which will serve an existing restaurant on Parcel 1 – 2224 Yandell Drive. The restaurant is expanding an additional 470 square feet to the rear of the property and will require a total of twenty-one (21) parking spaces. Two (2) parking spaces will be provided on-site. Parcel 2 is a parking lot for the Mountain Star Federal Credit Union; Parcel 3 is a parking lot for the KDBC-TV Station; and Parcel 4 contains a facility for KDBC-TV Station with a parking lot. The proposed site plan shows that Parcels 2, 3 and 4 will serve as off-site parking for Parcel 1. Access is proposed via Yandell Drive and the alley between Yandell Drive and Wyoming Avenue. Parking is proposed as follows:

Parcel 1	2 on-site parking spaces
Parcel 2	5 off-site parking spaces
Parcel 3	6 off-site parking spaces
Parcel 4	8 off-site parking spaces
Total	21 parking spaces

The areas proposed as off-site parking are not needed to meet other parking requirements. There are no zoning conditions currently imposed on this property.

A special permit was granted for Parcel 1 on November 28, 2006 for a 7% parking reduction and for off-site parking on Parcels 2 and 3. The proposed expansion of the restaurant on Parcel 1 triggers an increase in the parking requirements from the prior 15 spaces to 21 spaces. If approved this special permit will supersede the special permits granted on November 28, 2006.

## Staff Recommendation

The Development Coordinating Committee (DCC) recommends **approval** of this special permit request for off-site parking.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.”
- **The Year 2025 Projected General Land Use Map** for the **Central** Planning Area designates this property for Mixed Use and Commercial land uses.
- **C-4 (Commercial) zoning** permits off-site parking by special permit.

## Findings

The Commission must determine the following:

- A. Will the special permit for off-site parking protect the best interest, health, safety and welfare of the public in general?
- B. Will the special permit for off-site parking be compatible with adjacent land uses?
- C. What is the relation of the proposed special permit to the City’s Comprehensive Plan?
- D. What effects will the proposed special permit have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

## Development Services Department - Planning Division Comments

Recommend approval of the off-site off-street parking.

**Development Services Department - Building Permits Division Comments**

No objections.

**Development Services Department - Subdivision Plan Review Comments**

No objections.

**Engineering Department - Traffic Division Notes**

No objections.

**Fire Department Notes**

No comments received.

**El Paso Water Utilities Notes**

No objections.

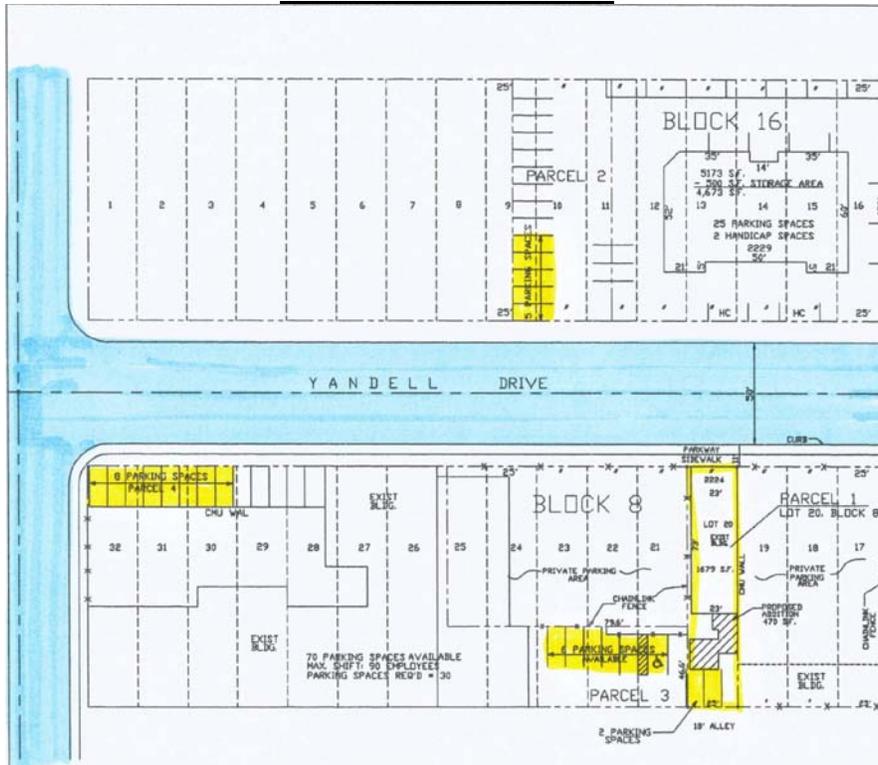
**List of Attachments**

Attachment 1: Site Plan, Site Plan for previous special permit

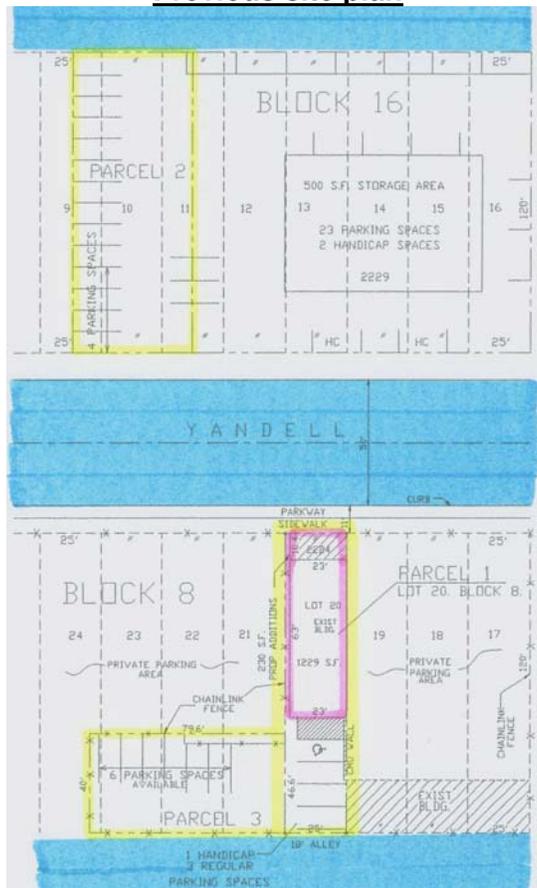
Attachment 2: Application



**Attachment 1: Site Plan**



**Previous site plan**



**Attachment 2: Application**



**SPECIAL PERMIT APPLICATION**  
**PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT**  
**CITY OF EL PASO, TEXAS**

DATE RECEIVED

**1. CONTACT INFORMATION**

PROPERTY OWNER(S): JACORRO MORENO DUNCAN CROWELL  
 ADDRESS: 5567 BUCKLE ZIP CODE: 79912 PHONE: \_\_\_\_\_  
 APPLICANT(S): OWNER  
 ADDRESS: SAME ZIP CODE: \_\_\_\_\_ PHONE: \_\_\_\_\_  
 REPRESENTATIVE(S): DARADO ENGINEERING SACORRO MORENO  
 ADDRESS: \_\_\_\_\_ ZIP CODE: 79903 PHONE: \_\_\_\_\_  
 E-MAIL ADDRESS: \_\_\_\_\_ FAX: (915) 562-7793

**2. PARCEL ONE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: C84999900804300  
 LEGAL DESCRIPTION: COTTON ADDN., BLOCK 8, LOT 20  
 STREET ADDRESS OR LOCATION: 2224 E. YANDELL REP DISTRICT: 8  
 ACREAGE: 0.068 PRESENT ZONING: C-4 PRESENT LAND USE: RESTAURANT/BAR  
 SPECIAL PERMIT REQUEST: OFF-SITE PARKING

**3. PARCEL TWO INFORMATION**

PROPERTY IDENTIFICATION NUMBER: C84999901602900  
 LEGAL DESCRIPTION: COTTON ADDN., BLOCK 14, LOT 10, 1/2 E. 11.75' OF 11 1/2 W. 1/2 OF 12  
 STREET ADDRESS OR LOCATION: 2219 E. YANDELL REP DISTRICT: 8  
 ACREAGE: 0.1357 PRESENT ZONING: C-4 PRESENT LAND USE: PARKING LOT  
 SPECIAL PERMIT REQUEST: PROVIDE OFF-STREET PARKING

**4. PARCEL THREE INFORMATION & PARCEL 4**

PROPERTY IDENTIFICATION NUMBER: C84999900805700 & C84999900808500  
 LEGAL DESCRIPTION: COTTON ADDN., LOTS 1-9 S. PT. OF 21-25, 26-32, 1/2 W. 5' OF 25, BLOCK 8  
 STREET ADDRESS OR LOCATION: 2201 WYOMING / 2212 YANDELL REP DISTRICT: 8  
 ACREAGE: 0.6 PRESENT ZONING: C-4 PRESENT LAND USE: T.V. STATION  
 SPECIAL PERMIT REQUEST: PROVIDE OFF-STREET PARKING

**5. ADDITIONAL INFORMATION**

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):  
 Printed Name: DUNCAN CROWELL Signature: [Signature]  
 Printed Name: SAMUEL DIAZ Signature: [Signature]  
 Printed Name: BEAM WATKINS Signature: [Signature]

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.

**\*\*OFFICE USE ONLY\*\***

ZON: 1-AM-1 RECEIVED DATE: 1/03/07 APPLICATION FEE: \$ 550.00  
 DCC REVIEW DATE: 1/31/07 (8:30 am, Planning Department Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
 CPC REVIEW DATE: 2/15/07 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
 ACCEPTED BY: [Signature] FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

Form 303 06/2004