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S E R V I C E S O L U T I O N S S U C C E S S



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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Consent Agenda April 14, 2009

CONTACT PERSON/PHONE: Mirian Spencer, (915)541-4192, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

A Resolution approving a detailed site development plan for a portion of Lot 1, Block 1, Punto Alegre and a portion of Lot 1, Block 1, Mesa Hills West, City of El Paso, El Paso County, Texas, pursuant to conditions imposed by Ordinance No. 7871. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 425 Mesa Hills Drive, Property Owners: LoyMar Properties, LLC., ZON09-00003 (District 8).

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: Victor Q. Torres _____
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

Development Services Department

Victor Q. Torres - Director

2 Civic Center Plaza - 5th Floor • El Paso, Texas 79901 • (915) 541-4622 • Fax
(915) 541-4799

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR A PORTION OF LOT 1, BLOCK 1, PUNTO ALEGRE AND A PORTION OF LOT 1, BLOCK 1, MESA HILLS WEST, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO CONDITIONS IMPOSED BY ORDINANCE NO. 7871. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Loy Mar Properties, LLC, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit construction and development of medical and professional offices; 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 by a zoning condition, the City Council hereby approves the detailed site development plan to permit the construction and development of medical and professional offices on the following described property which is located in a **A-O/sc (Apartment/Office/special contract) and A-2/sc (Apartment/special contract) District:**

A portion of Lot 1, Block 1, Punto Alegre and a portion of Lot 1, Block 1, Mesa Hills West, 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.

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 "B" 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

A-O/sc (Apartment/Office/special contract) and A-2/sc (Apartment/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 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.

ADOPTED this _____ day of _____, 2009.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

(Agreement on following page)

PREPARED FOR: DIMENSIONS ARCHITECTS
A PORTION OF LOT 1, BLOCK 1, PUNTO ALEGRE AND
A PORTION OF LOT 1, BLOCK 1, MESA HILLS WEST
CITY OF EL PASO, EL PASO COUNTY, TEXAS
JANUARY 13, 2009
W.O. 100908-1

PROPERTY DESCRIPTION

Description of a 1.8587 acre parcel of land being a portion of Lot1, Block 1, Mesa Hills West, and a portion of Lot 1, Block 1, Punto Alegre, City of El Paso, 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 point of intersection of a curve along Mesa Hills Drive; Thence South $85^{\circ}35'51''$ East along said centerline a distance of 298.85 feet to a point, said point being the point of tangency of said curve; Thence North $04^{\circ}24'09''$ East a distance of 60.00 feet to a found $5/8''\varnothing$ rebar with a plastic cap stamped TX. 2449 Roe Engr. L.C. and said point lying on the Northerly right-of-way line of Mesa Hills Drive, said point being the "TRUE POINT OF BEGINNING"

Thence North $21^{\circ}25'25''$ West a distance of 478.88 feet to a point (unable to set);

Thence North $49^{\circ}24'42''$ East a distance of 26.63 feet to a found nail on rockwall;

Thence South $40^{\circ}35'13''$ East a distance of 91.44 feet to a found nail on rockwall;

Thence South $45^{\circ}42'14''$ East a distance of 67.76 feet to a found nail on rockwall;

Thence South $45^{\circ}02'56''$ East a distance of 365.22 feet to a found nail on rockwall;

Thence South $58^{\circ}06'08''$ East a distance of 203.14 feet to a found $5/8''\varnothing$ rebar with a plastic cap stamped TX. 2449 Roe Engr. L.C., said point lying on the northerly right-of-way line of Mesa Hills Drive ;

Thence along said northerly right-of-way line along the arc of a curve to the right a distance of 141.58 feet, whose radius is 950.00 feet, whose central angle is $8^{\circ}32'20''$ and whose chord bears North $89^{\circ}52'01''$ West a distance of 141.45 feet to a found $5/8''\varnothing$ rebar

Thence along said northerly right-of-way line North $85^{\circ}35'51''$ West a distance of 243.51 feet back to the "TRUE POINT OF BEGINNING" and said parcel containing in all 80,969.61 square feet or 1.8587 acres of land more or less.

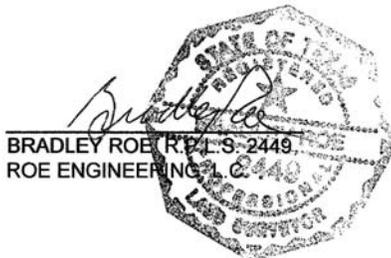


EXHIBIT A

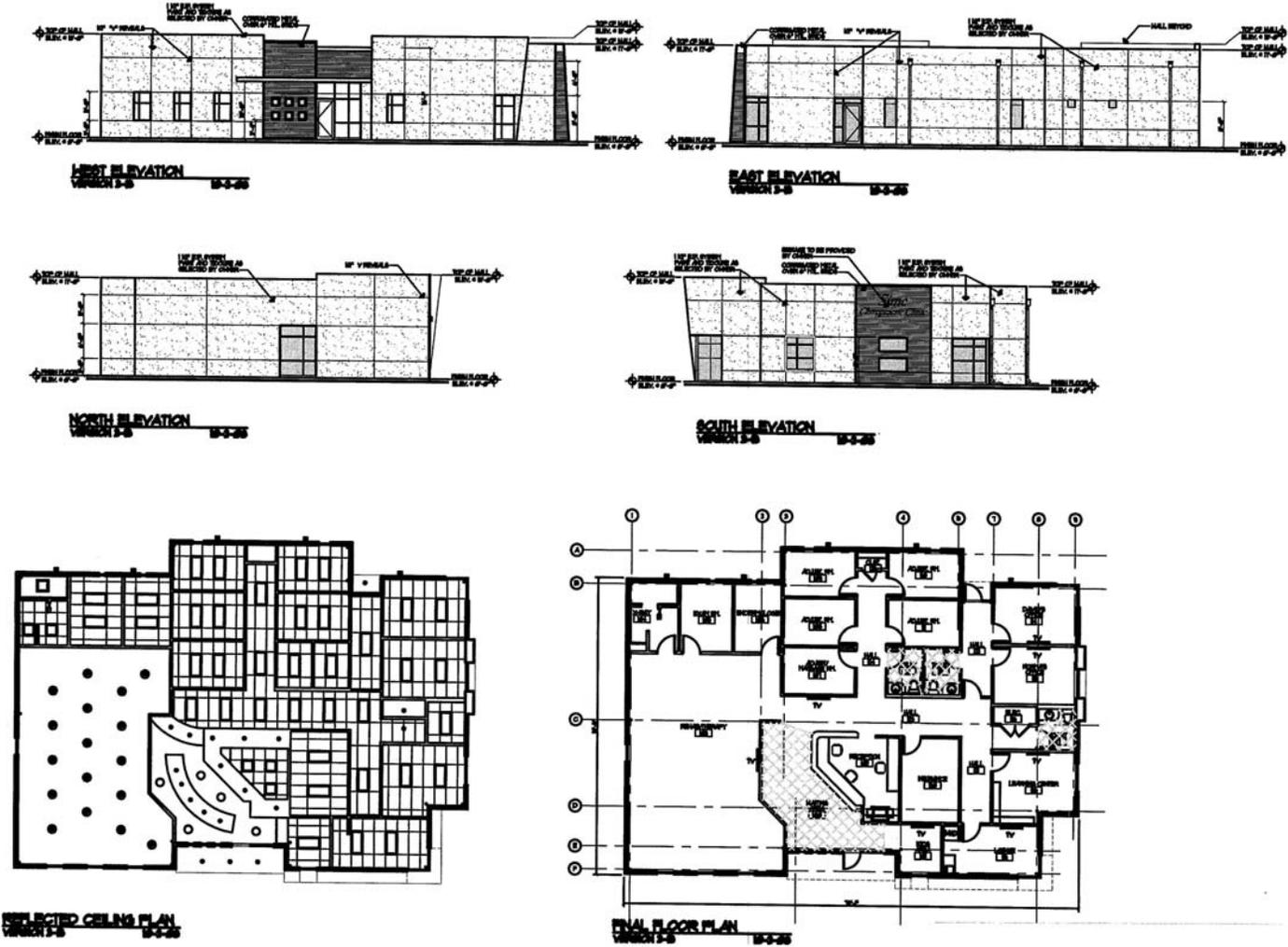


EXHIBIT B
PG. 2 of 2

Architectural title block containing:

- A north arrow symbol.
- The logo for **Dimensions Design Center**, featuring a stylized 'D' and the text 'ARCHITECTS' and 'DIMENSIONS DESIGN CENTER'.
- A vertical title bar with the text **DIMENSIONS DESIGN CENTER** and '11. PARK, 2008'.
- A table with the following columns: Date, Project No., File Name, Sheet Title, Sheet No., and Plot.

MEMORANDUM



DATE: March 19, 2009

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

FROM: Mirian Spencer, Planner

SUBJECT: ZON09-00003

The City Plan Commission (CPC), on February 26, 2009, voted **5-0** to recommend **APPROVAL** of the detailed site development plan in agreement with the recommendation from staff.

The property owners have submitted a detailed site development plan for a 5,400 square foot medical office, a 3,000 square foot professional office and a 5,500 square foot professional office with 50 parking spaces provided. Access is proposed via **Mesa Hills Drive**. The special contract attached to the property imposed the following conditions:

- No building permits will be issued for construction until a subdivision plat is approved and filed for record.
- No building permits will be issued for construction on Parcels 1, 3, and 5 until a detailed site development plan is approved by the City Plan Commission and the City Council.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also found that the proposed use is compatible with adjacent land uses. The CPC also determined that the rezoning protects the best interest, health, safety, and welfare of the public in general; and the rezoning 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 public response to this rezoning application.

Attachment: Staff Report, Zoning Map, Aerial Map, Detailed Site Plan, Elevations

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

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Rachel Quintana

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District 8
Beto O'Rourke

City Manager
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Development Services Department

Victor Q. Torres - Director

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City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00003
Application Type Detailed Site Development Plan
CPC Hearing Date February 26, 2009
Staff Planner Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location 425 Mesa Hills Drive
Legal Description A portion of Lot 1, Block 1, Punto Alegre and a portion of Lot 1, Block 1, Mesa Hills West, City of El Paso, El Paso County, Texas
Acreage 1.8587 acres
Rep District 8
Existing Use Vacant
Zoning A-O/sc (Apartment/Office/special contract) and A-2/sc (Apartment/special contract)
Request As required per Ordinance No. 7871, dated October 4, 1983
Proposed Use Medical and Professional Offices

Property Owners Loy Mar Properties, LLC.
Applicant Loy Mar Properties, LLC
Representative Al Loya and Hector Porras

SURROUNDING ZONING AND LAND USE

North: A-2/sc (Apartment/special contract)/ Multi-family Apartments
South: C-1/sc (Commercial/special contract)/ United Blood Services Office
East: A-2/sc (Apartment/special contract)/ Multi-family Apartments
West: A-O/sc/sp (Apartment/Office/special contract/special permit)/ Multi-family Apartments

THE PLAN FOR EL PASO DESIGNATION: Residential (Northwest Planning Area)

NEAREST PARK: Galatzan Park (1,115 feet)

NEAREST SCHOOL: L.B. Johnson Elementary School (1,1560 feet)

NEIGHBORHOOD ASSOCIATIONS:

Save the Valley; Coronado Neighborhood Association; Upper Mesa Hills Neighborhood Association; Mesa Hills Neighborhood Association; Upper Valley Improvement Association; Mesa Hills Neighborhood Association; Upper Valley Improvement Association; Mountain Arroyo Neighborhood Association

APPLICATION DESCRIPTION

The property owners have submitted a detailed site development plan for a 5,400 square foot medical office, a 3,000 square foot professional office and a 5,500 square foot professional office with 50 parking spaces provided. Access is proposed via **Mesa Hills Drive**. The special contract attached to the property imposed the following conditions:

- No building permits will be issued for construction until a subdivision plat is approved and filed for record.
- No building permits will be issued for construction on Parcels 1, 3, and 5 until a detailed site development plan is approved by the City Plan Commission and the City Council.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:
DCC recommends **APPROVAL** of the detailed site plan for the medical and professional offices.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the medical and professional offices.

The Plan for El Paso –City-wide Land Use Goals:

All applications for detailed site development plan review shall demonstrate compliance with the following criteria:

- a. Goal: develop 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 an negative impact on the residential living environment.

Development Services Department - Building Permits and Inspections Division:

No objection to proposed detailed site development plan. Medical and professional offices permitted in an A-O/sc (Apartment/Office/special contract) zone. Medical and professional offices are permitted with a special permit in an A-2/sc (Apartment/special contract) zoning district. Project meets minimum yard, off-street parking, and loading standards for medical and professional offices.

Landscaping: Project meets landscaping area required under Section 18.46. The project will be required to provide the required plant material within the first 20 feet of the property per Section 18.46.090 of the El Paso City Code.

Development Services Department - Planning Division:

Current Planning: Recommends **APPROVAL** of the medical and professional offices.

Engineering: Engineer/applicant shall submit drainage calculations, stability report, and retaining rockwall calculations at the time of building permits. Site is not located within a Special Flood Hazard Area, Flood Zone C Panel **480214 0027 D**. The following will be required at the time of development:

- 1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
- 2. Grading plan and permit will be required at the time of development.
- 3. Storm water pollution prevention plan and/or permit required at the time of development.
- 4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.
- 5. No water runoff allowed outside the proposed development boundaries, (on-site ponding required).

Engineering Department - Traffic Division:

Traffic has no objections to proposed detailed site development plan request.

Fire Department:

The El Paso Fire Department has reviewed the revised plans for **ZON09-00003 Detailed Site Development Plan located at 425 S. Mesa Hills Drive**. The El Paso Fire Department's Fire Marshal and the El Paso Fire Department's Planning Division have approved the revised plans which include a fire lane turnaround at the Northern end of the parking lot which is a dead end. A more thorough review including the fire hydrant requirements will be done during the construction plan review process.

El Paso Water Utilities:

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

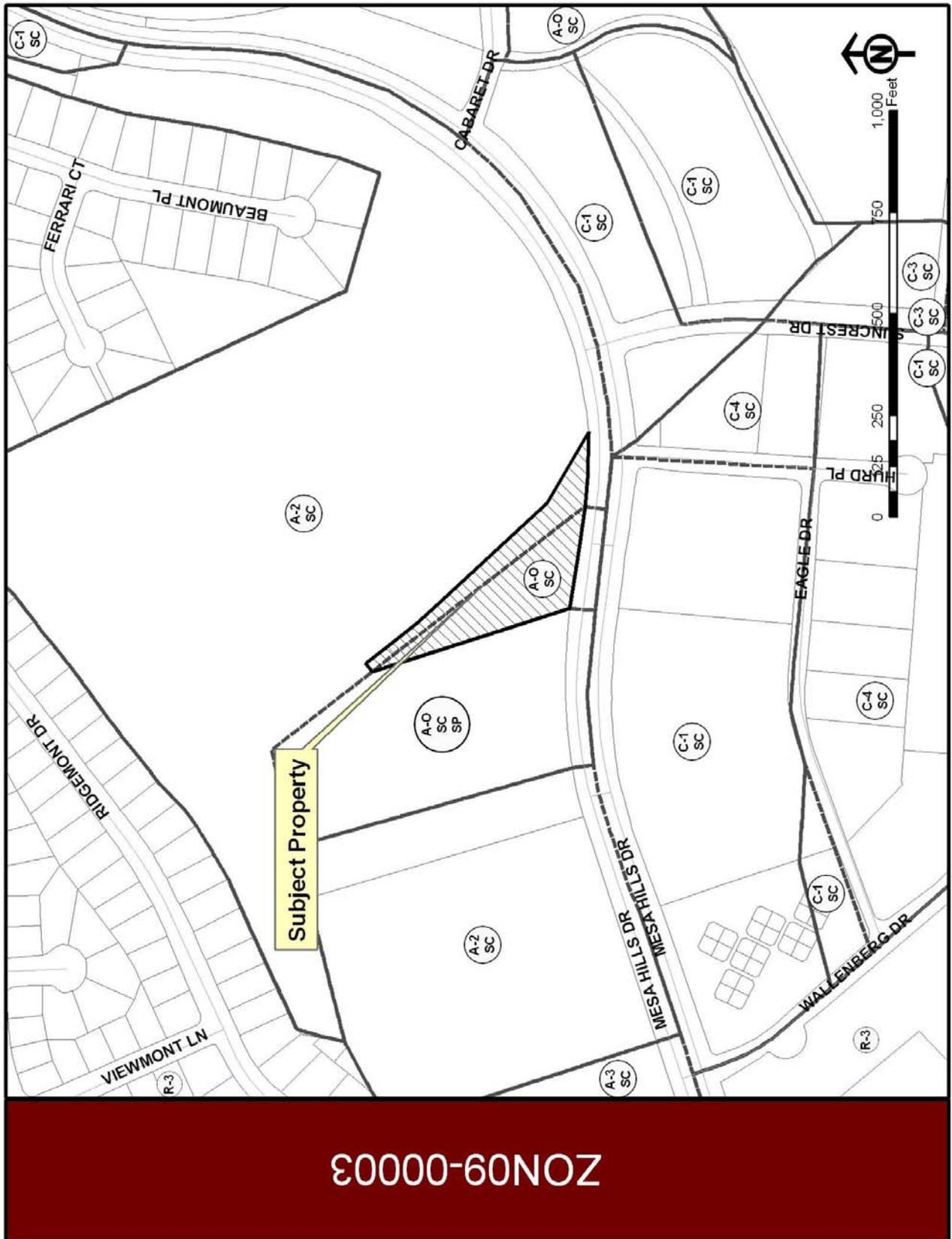
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the detailed site development plan application:

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. Ordinance 7871
3. Detailed Site Plan
4. Elevations

ATTACHMENT 1: ZONING MAP



ZON9-0003

ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: ORDINANCE 7871

THE STATE OF TEXAS)
)
COUNTY OF EL PASO

CONTRACT

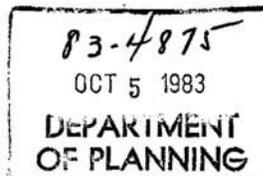
THIS CONTRACT, made this 4th day of October, 1983, by and between PUNTO ALEGRE JOINT VENTURE, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of A. F. Miller Survey #214 (portion of E. H. Cantrell Survey #214), City and County of El Paso, Texas which are more particularly described by metes and bounds in the attached Exhibits "A, B, C, D, E and F," which are made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned to A-2 (Apartment) District (Parcel 1 - 29.096 ac.); C-OP (Office Park) District (Parcel 2 - 15.807 ac.); A-O (Apartment/Office) District (Parcel 3 - 13.543 ac.); R-5 (Residential) District (Parcel 4 - 0.781 ac.); C-1 (Commercial) District (Parcel 5 - 0.949 ac.); R-5 (Residential) District (Parcel 6 - 1.157 ac.) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits will be issued for construction until a subdivision plat is approved and filed for record.
2. No building permits will be issued for construction on Parcels 1, 3 and 5 until a detailed site development plan is approved by the City Plan Commission and the 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 release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.



Ord. 7871 (10/4/83)

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

PUNTO ALEGRE JOINT VENTURE
First Party

By *[Signature]*
Title *[Signature]*

ATTEST: *n/a*
Secretary

THE CITY OF EL PASO
Second Party

By *[Signature]*
Mayor

ATTEST: *[Signature]*
City Clerk

APPROVED AS TO CONTENT:
[Signature]
Planning, Research and
Development

APPROVED AS TO FORM:
[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 29th day
of Sept, 1983, by *[Signature]*
representative for PUNTO ALEGRE JOINT VENTURE.

[Signature]
Notary Public, State of Texas

My Commission Expires:
6/30/84

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 4th day
of October, 1983, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

[Signature]
Notary Public, State of Texas

My Commission Expires:
6/30/84



Ord. 7871

ATTACHMENT 5: ELEVATIONS

