

**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 granting Special Permit No. ZON10-00095, to permit an Adult Day Care on the property described as being a portion of Yucca Village Replat A, and a portion of Tract 10A Parkland Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 10333 Grouse Road. Property Owner: Blue Flamingo IV, LP. ZON10-00095 (**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 GRANTING SPECIAL PERMIT NO. ZON10-00095, TO PERMIT AN ADULT DAY CARE ON THE PROPERTY DESCRIBED AS BEING A PORTION OF YUCCA VILLAGE REPLAT A, AND A PORTION OF TRACT 10A PARKLAND ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, Blue Flamingo IV, LP, Owner,** has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to permit an Adult Day Care Center; and,

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

**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; and

**WHEREAS,** the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in an A-M/sc (Apartment/Mobile Home Park/special contract) District:

*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".*

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for an assisted living facility and a convalescent home, and,

3. That this Special Permit is issued subject to the development standards in the **A-O/sc (Apartment/Office/special contract)** regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON10-00095** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant 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.

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

**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 – Planning  
and Economic Development Department

*(Agreement on following page)*

**AGREEMENT**

**Blue Flamingo IV, LP**, the Owner and Applicant referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **A-O/sc (Apartment/Office/special contract)** District regulations, and subject to all other requirements set forth in this Ordinance.

**EXECUTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Blue Flamingo IV, LP:**

By: \_\_\_\_\_

(name/title)

\_\_\_\_\_

(signature)

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS** )

)

**COUNTY OF EL PASO** )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, for **Blue Flamingo IV, LP**, as Owner.

My Commission Expires:

\_\_\_\_\_

Notary Public, State of Texas

Notary's Printed or Typed Name:

\_\_\_\_\_

**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:** **ZON10-00095 (Related Rezoning Case No. ZON10-00094)**

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The City Plan Commission (CPC) on February 24, 2011, voted **5-0** to recommend **approval** of this special permit and detailed site development plan request.

The applicant is proposing an adult day care facility. An adult day care center is permitted in an A-O (Apartment/Office) District by special permit.

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC) upon the approval of the rezoning request (ZON10-00094).

The CPC found that the special permit 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 special permit 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:** ZON10-00095 (Related Rezoning Application Case No. ZON10-00094)  
**Application Type:** Special Permit and Detailed Site Development Plan  
**CPC Hearing 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:** Special Permit and Detailed Site Development Plan for an Adult Day Care Center  
**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 applicant is requesting a special permit and detailed site development plan review for an adult day care center required per City Code in an A-O (Apartment/Office) zoning district (see related Re-Zoning Case No. ZON10-00094).

The site plan shows an existing 3,577 sq. ft. building which previously served as a club house for the abutting existing mobile home park, 15 parking spaces and access via a driveway from Grouse Road which will serve as a shared access driveway with the mobile home park.

### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit and detailed site development plan request.

**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 special permit and offered no objections to Planning Staff’s recommendation for approval.

**Engineering – Construction Management Division**

Plan Review

No objections to the rezoning request.

Landscaping

Landscape calculations are not correct. Landscape shall meet code under 18.46 during building permit process.

Land Development

- 1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- 2. The Subdivision is within Flood Zone A7, "Areas of 100-year flood; base flood elevation and flood hazard factors determined"- Panel # 480214 0020B, date October 15, 1982.

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

**Department of Transportation**

- Sidewalk and compliant crossing over driveway are required.
- Show dimensions for driveway, parking stalls and travel lanes.
- Handicap spaces need to be identified.
- 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**

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.

General:

-EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

**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:

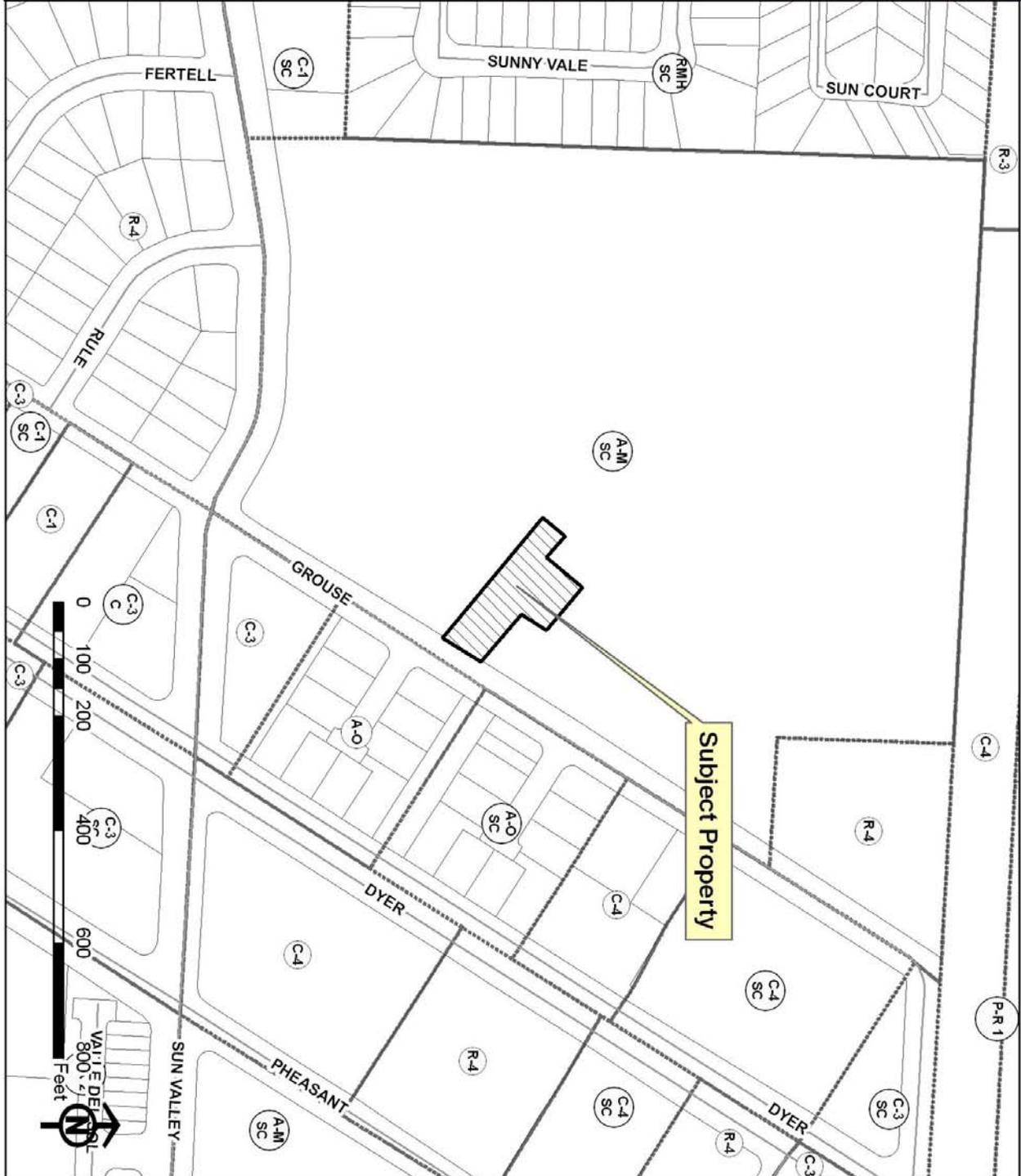
1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and 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 special permit and 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. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations
5. Ordinance No. 4205

ATTACHMENT 1: LOCATION MAP

# ZON10-00094 & ZON10-00095

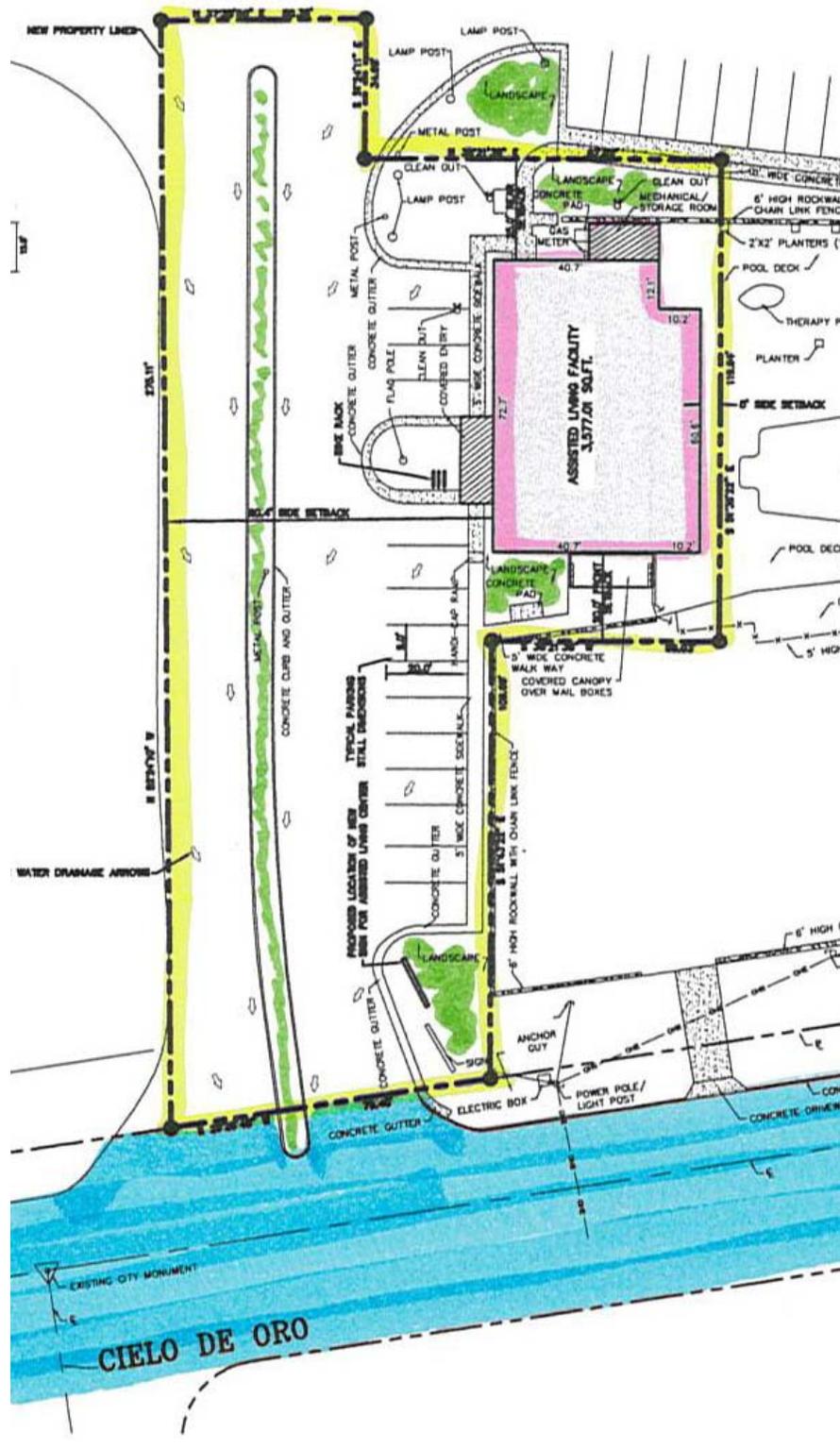


ATTACHMENT 2: AERIAL MAP

ZON10-00094 & ZON10-00095



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



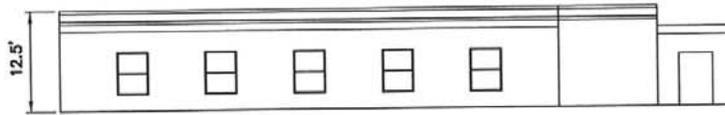
ATTACHMENT 4: ELEVATIONS



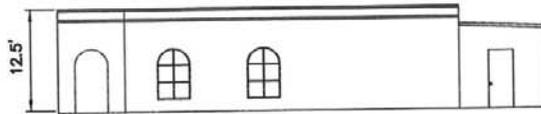
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION

ATTACHMENT 5: 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:

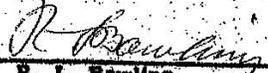
First Parties have applied to the City of El Paso for rezoning of  
two parcels of land in Section 42, Block 80, Township 1, Texas & Pacific  
Railroad Surveys, El Paso County, Texas, which property is more particu-  
larly described in Ordinance No. 4205, now pending before the City Council  
of the 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 E. H. Will  
E. H. Will, Executor

DESERT VIEW DEVELOPMENT COMPANY,  
a corporation

by Regatta Johns  
President

ATTEST:

B. G. 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 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.