

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 17, 2007
Public Hearing: August 7, 2007

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 5

SUBJECT:

An Ordinance granting Special Permit No. ZON07-00038, to allow for a helistop on the property described as a portion of Lot 24, Block 63, Tierra Del Este Unit 41, City of El Paso, El Paso County, Texas, and imposing conditions, pursuant to Section 20.08.203 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: East of Joe Battle Boulevard and North of Tierra Cortez Avenue. Applicant: Tenet Hospitals Limited. ZON07-00038 (District 5)

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 (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00038, TO ALLOW FOR A HELISTOP ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 24, BLOCK 63, TIERRA DEL ESTE UNIT 41, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IMPOSING CONDITIONS, PURSUANT TO SECTION 20.08.203 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, the Tenet Hospitals Limited, has applied for a Special Permit under Section 20.08.203 of the El Paso City Code to allow for a helistop; and,

WHEREAS, the Section 20.08.203 allows for a helistop by Special Permit; 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 20.04.320D 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 a C-1/c (Commercial/condition) District:

A portion of Lot 24, Block 63, Tierra Del Este Unit 41, City of El Paso, El Paso County, Texas; and more particularly described in the metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes; and,

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CITY CLERK DEPT.

2. That the City Council hereby grants a Special Permit under Section 20.08.203 of the El Paso City Code to allow for helistop on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the C-1/c (Commercial/condition) District 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. Further, that the lights for the helistop only be used during approach and takeoff of a helicopter, and that a landscaped buffer with evergreen trees that will grow to an average height of 14 feet over a 3 year period be placed at 15' on center along the length of the eastern driveway to separate the helistop site from the adjacent residential development; and

5. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. ZON07-00038, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

6. 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.

(Signatures on following page)

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

John F. Cook, Mayor

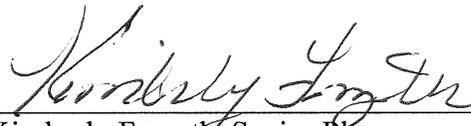
ATTEST:

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

CITY CLERK DEPT.
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CITY CLERK DEPT.

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AGREEMENT

Tenet Hospitals Limited, 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 attached to same Ordinance, and in accordance with the standards identified in the C-1/c (Commercial/condition) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 29th day of June, 2007.

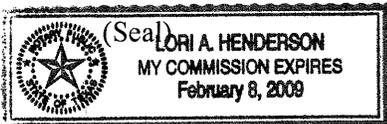
[Handwritten Signature]
(Signature)

Kenneth F. Sutherland
(Name/Title) Vice President
Construction and Design

ACKNOWLEDGMENT

THE STATE OF TEXAS)
DALLAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 29 day of JUNE, 2007, by KENNETH F. SUTHERLAND for Tenet Hospitals Limited as Applicant.



[Handwritten Signature]
Notary Public, State of Texas
Signature

LORI A HENDERSON
Printed or Typed Name

My Commission Expires:
2-8-2009

Property description: A 0.450-acre portion of Lot 24, Block 63, Tierra Del Este Unit Forty One, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.450-acre portion of Lot 24, Block 63, Tierra Del Este Unit Forty One (Book 80, Page 14, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the centerline intersection of Tierra Cobre Drive (52-foot right-of-way) and Edgemere Boulevard (110-foot right-of-way); Thence, South 89°29'54" West, along the centerline of Edgemere Boulevard, a distance of 422.10 feet, from which a city monument at the centerline intersection of Edgemere Boulevard and Tierra Zafiro Drive (52-foot right-of-way) bears South 89°29'54" West, a distance of 493.30 feet; Thence, South 00°30'06" East, a distance of 55.00 feet to the southerly right-of-way of Edgemere Boulevard; Thence, South 00°00'00" West, a distance of 294.75 feet to the **POINT OF BEGINNING** of this description;

THENCE, North 90°00'00" East, a distance of 140.00 feet;

THENCE, South 00°00'00" West, a distance of 140.00 feet;

THENCE, North 90°00'00" West, a distance of 140.00 feet;

THENCE, North 00°00'00" East, a distance of 140.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.450 acres (19,600 square feet) of land more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FROM RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors

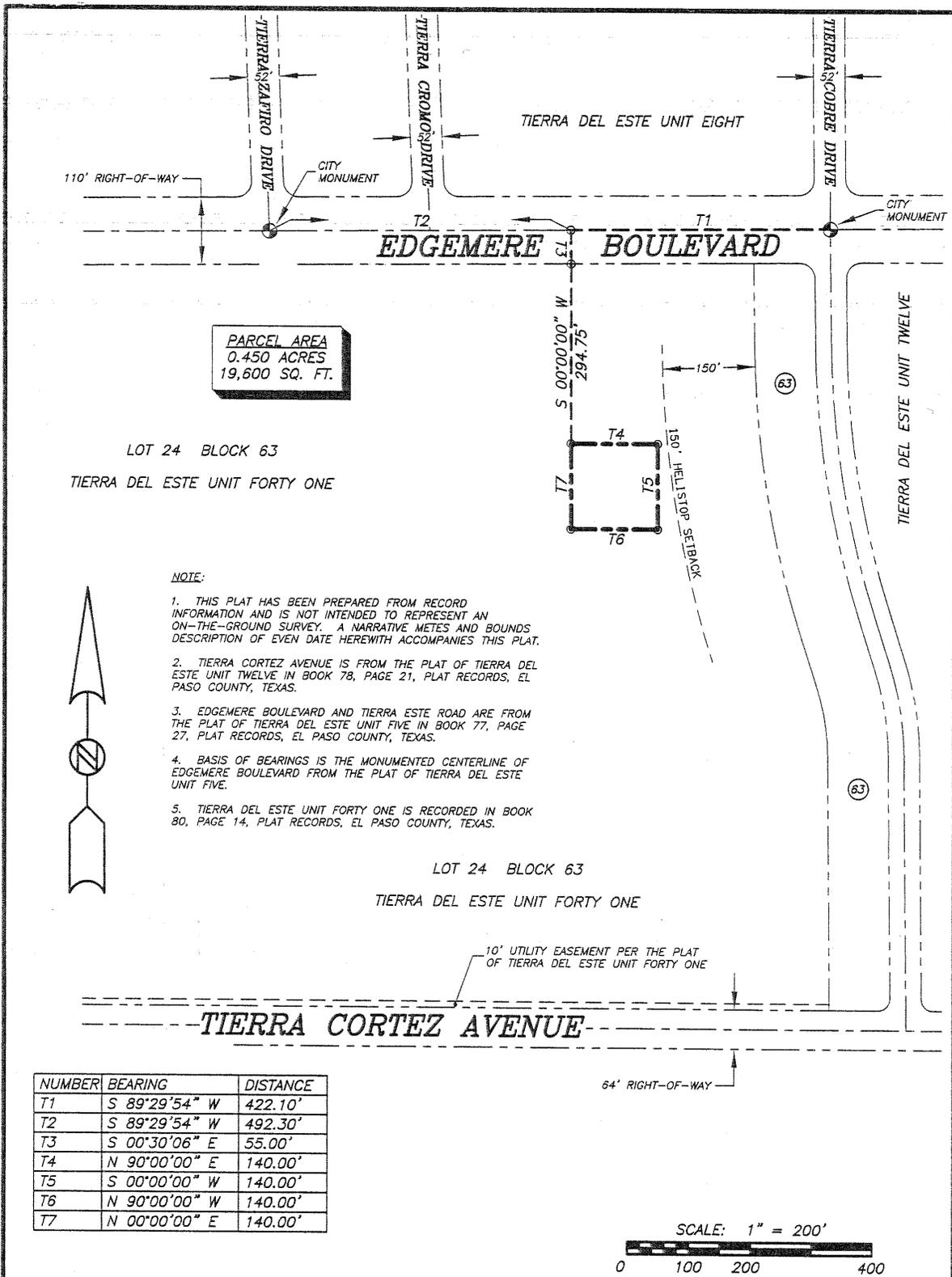


Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

Job Number 05-0033E
April 10, 2007

EXHIBIT "A"

CITY CLERK DEPT.
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PARCEL AREA
0.450 ACRES
19,600 SQ. FT.

LOT 24 BLOCK 63
TIERRA DEL ESTE UNIT FORTY ONE

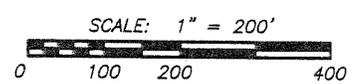
NOTE:

1. THIS PLAT HAS BEEN PREPARED FROM RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS PLAT.
2. TIERRA CORTEZ AVENUE IS FROM THE PLAT OF TIERRA DEL ESTE UNIT TWELVE IN BOOK 78, PAGE 21, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. EDMERERE BOULEVARD AND TIERRA ESTE ROAD ARE FROM THE PLAT OF TIERRA DEL ESTE UNIT FIVE IN BOOK 77, PAGE 27, PLAT RECORDS, EL PASO COUNTY, TEXAS.
4. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF EDMERERE BOULEVARD FROM THE PLAT OF TIERRA DEL ESTE UNIT FIVE.
5. TIERRA DEL ESTE UNIT FORTY ONE IS RECORDED IN BOOK 80, PAGE 14, PLAT RECORDS, EL PASO COUNTY, TEXAS.



LOT 24 BLOCK 63
TIERRA DEL ESTE UNIT FORTY ONE

NUMBER	BEARING	DISTANCE
T1	S 89°29'54" W	422.10'
T2	S 89°29'54" W	492.30'
T3	S 00°30'06" E	55.00'
T4	N 90°00'00" E	140.00'
T5	S 00°00'00" W	140.00'
T6	N 90°00'00" W	140.00'
T7	N 00°00'00" E	140.00'



CITY CLERK DEPT.
07 JUL -9 PM 2:12



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

EXHIBIT

A 0.450-ACRE PORTION OF LOT 24, BLOCK 63, TIERRA DEL ESTE UNIT FORTY ONE, EL PASO, EL PASO COUNTY, TEXAS.

COPYRIGHT © 2007 ROBERT SEIPEL ASSOCIATES, INC. ALL RIGHTS RESERVED

DATE: 04-10-07
SCALE: 1" = 200'
DRAWN BY: RRS
CHECKED BY: RRS
FIELD BOOK: ~
FILE #: 05-0033E

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
RACHEL QUINTANA., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

MEMORANDUM

DATE: July 9, 2007

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

FROM: Melissa Granado, Planner

SUBJECT: ZON07-00038

The City Plan Commission (CPC), on May 17, 2007, voted **4-0** to recommend **APPROVAL** of a special permit request to allow a Helistop on 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: "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." 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.

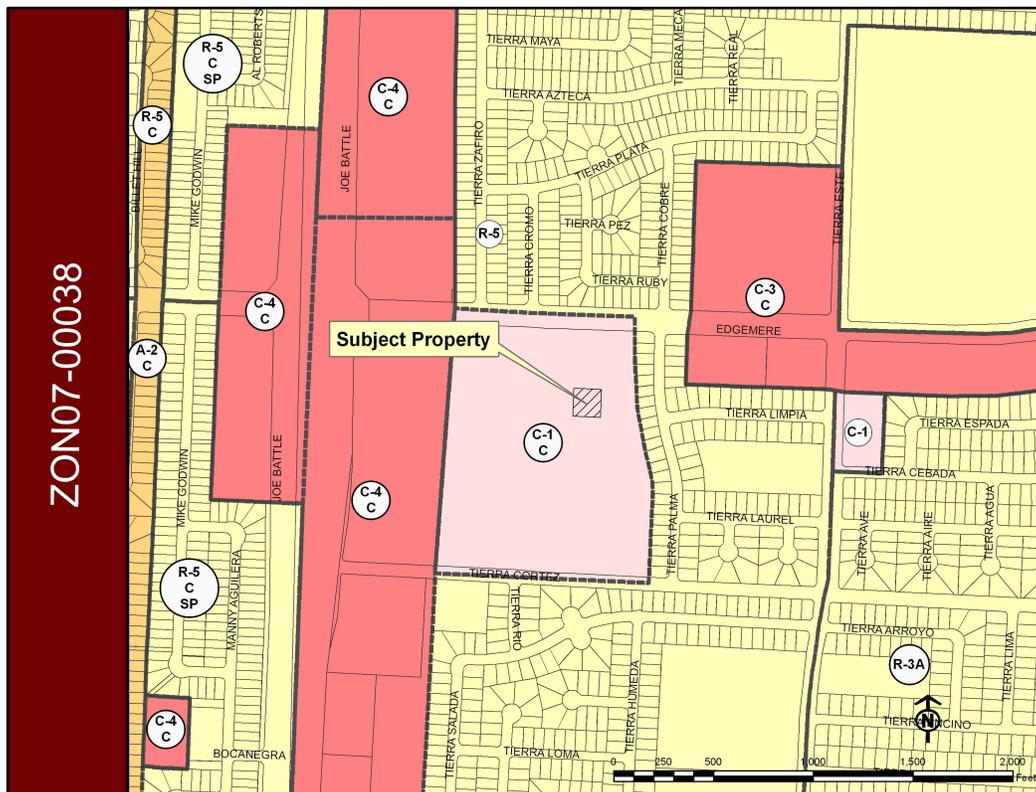
There were two letters of opposition and two petitions with a total of 54 signatures in opposition to this request.

Attachment: Staff Report, Site Plan, Application, Ordinance 15336



ZON07-00038

Application Type: Special Permit
Property Owner(s): Tenet Hospitals Limited
Representative(s): Bob Weaver
Legal Description: A portion of Lot 24, Block 63, Tierra Del Este Unit 41, City of El Paso, El Paso County, Texas
Location: East of Joe Battle Boulevard and North of Tierra Cortez Avenue
Representative District: 5
Area: 0.45 acres
Zoning: C-1/c (Commercial/condition)
Request: Special permit to allow a Helistop
Recognized Neighborhood Associations Contacted: East Side Civic Association, Las Tierras Neighborhood Association
Public Response: None
Surrounding Land Uses: **North:** R-5 / Single-family Residential, **South:** R-5 / Single-family Residential, **East:** R-5 / Single-family Residential, **West:** C-4/c / Vacant
Year 2025 Designation: **Commercial, Residential** (East Planning Area)



General Information:

The applicant requests a special permit to allow a helistop on the subject property. Access is proposed via Joe Battle Boulevard, Edgemere Boulevard, and Tierra Cortez Avenue. As per a zoning condition imposed on the subject property by Ordinance 15336 (Attachment 3), a site plan was submitted and approved on April 21, 2006. The site plan proposed a four story hospital, three future medical office buildings, and a helistop situated at the rear of the hospital. The proposed helistop meets all requirements of Chapter 20.08.203 of the El Paso Municipal Code. The applicant met with the neighborhood associations in the area to discuss this special permit request.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this special permit request.

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 East Planning Area designates this property for **Commercial** and **Residential** land uses.
- **C-1 (Commercial) zoning** permits a helistop by special permit.

Findings:

The Commission must determine the following:

- A. Will the special permit for a helistop protect the best interest, health, safety and welfare of the public in general?
- B. Will the special permit for a helistop 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 - Building Permits and Inspections Division:

Zoning Review: Helistop allowed under special permit on C-1 (Commercial) District. Meets the 150 foot minimum perimeter setback required along the property line abutting the residential district.

Landscaping: No comments received.

Development Services - Planning Division:

Current Planning: Recommends approval. The proposed use is compatible with surrounding development and meets the regulations in Chapter 20.08.203 of the El Paso Municipal Code.

Land Development: No comments received.

Engineering Department, Traffic Division:

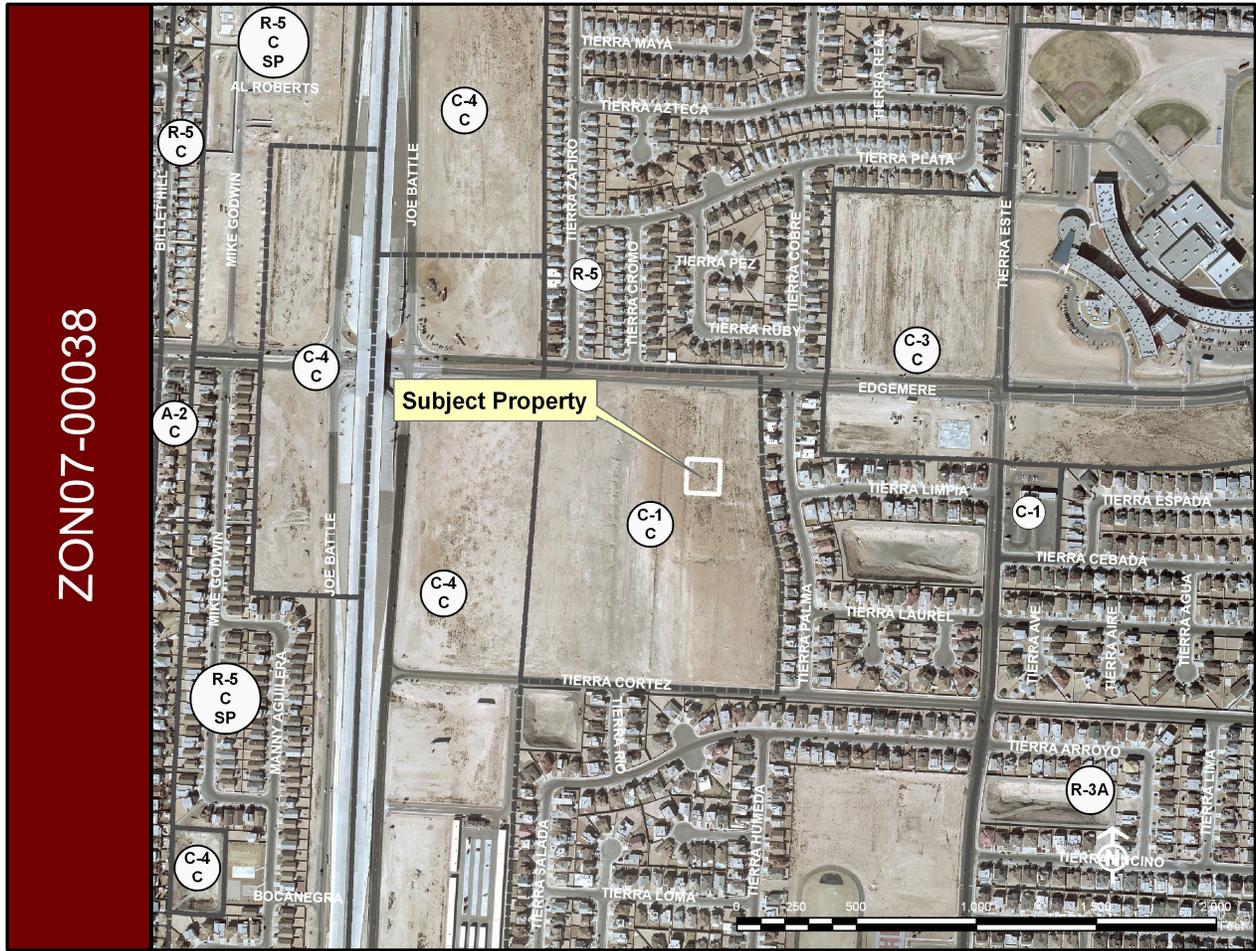
No apparent traffic concerns with the proposed Helistop.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.



ZON07-00038

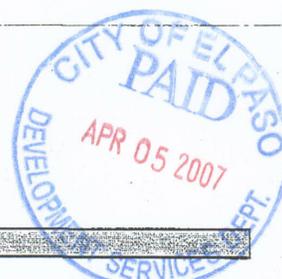
List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Application
- Attachment 3: Ordinance 15336

Attachment 2: Application



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



1. CONTACT INFORMATION

PROPERTY OWNER(S): TENET HEALTHCARE CORP.
 ADDRESS: 13737 NOEL RD STE 100, DALLAS ZIP CODE: 75240 PHONE: 469.893.2378
 APPLICANT(S): STERLING BARNETT LITTLE, INC.
 ADDRESS: 1080 BALLPARK WAY ZIP CODE: 76011 PHONE: 817.792.2100
 REPRESENTATIVE(S): BOB WEAVER ARLINGTON TX
 ADDRESS: 1080 BALLPARK WAY ARL. TX ZIP CODE: 76011 PHONE: 817.792.2113
 E-MAIL ADDRESS: BOB.WEAVER@SBLARCHITECTS.COM FAX: 817.461.1362

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: PORTON SEC 40, BL 79, TOWNSHIP 2, TEXAS &
 LEGAL DESCRIPTION: PACIFIC RR COMPANY SURVEYS, EL PASO CO.
 STREET ADDRESS OR LOCATION: 3280 JOE BATTLE RD REP DISTRICT: 5
 ACREAGE: 42 AC. PRESENT ZONING: C1/G4 PRESENT LAND USE: HOSPITAL
 SPECIAL PERMIT REQUEST: HELIPAD PER APPD. SITE DEV. PLAN # ZON 05-00129
PID: T287-999-0630-2400

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 SPECIAL PERMIT REQUEST: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 SPECIAL PERMIT REQUEST: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: TENET HOSPITAL LIMITED Signature: [Signature]
 Printed Name: _____ Signature: _____
 Printed Name: _____ 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 07-00038 RECEIVED DATE: 4/4/07 APPLICATION FEE: \$ 550.00
 DCC REVIEW DATE: 4/25/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 5/17/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: [Signature] FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

Revised 08/2004

Attachment 3: Ordinance 15336

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ORDINANCE NO. 15336

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1, SECTION 40, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS (EDGEMERE BOULEVARD EAST OF JOE BATTLE BOULEVARD) FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of a portion of Tract 1, Section 40, Block 79, Township 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS (Edgemere Boulevard east of Joe Battle Boulevard), as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-5 (Residential) to C-1 (Commercial) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-5 (Residential) to C-1 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved by the City Plan Commission.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

(Signatures on following page)

WMW:\pms\88756\ZON\PLA\Y6

12/18/2002

ORDINANCE NO. 15336

Zoning Case No.ZC-02061

PASSED AND APPROVED this 14th day of January, 2003.

THE CITY OF EL PASO

[Signature]
Raymond C. Caballero
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

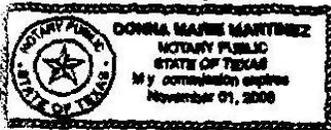
Acknowledgment

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 14th day of January, 2003,
by [Signatures] as [Signatures] of THE CITY OF EL PASO.

My Commission Expires:



[Signature]
Notary Public, State of Texas
Notary's Printed or Typed Name:
[Signature]

WMW:pncw88756ZON/PLA1Y6

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12/18/2002

ORDINANCE NO. 15336

Zoning Case No. ZC-02061

