

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: 2

SUBJECT:

An Ordinance granting Special Permit No. ZON07-00052, to allow for a veterinary clinic on the property described as a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys City of El Paso, El Paso County, Texas, pursuant to Section 20.42.040(P) of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 4991 Fred Wilson Avenue. Applicant: Humane Society of El Paso, Inc. ZON07-00052 (District 2)

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: _____

CITY CLERK DEPT.

ORDINANCE NO. _____

07 JUL -9 PM 1:38

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON07-00052, TO ALLOW FOR A VETERINARY CLINIC ON THE PROPERTY DESCRIBED AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.42.040(P) OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, the **Humane Society of El Paso**, has applied for a Special Permit under Section 20.42.040(P) of the El Paso City Code to allow for a veterinary clinic; and,

WHEREAS, the Section 20.42.040(P) allows for a veterinary clinic 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-4 (Commercial) District**:
a portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas; and, 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,

2. That the City Council hereby grants a Special Permit under Section 20.42.040(P) of the El Paso City Code to allow for a veterinary clinic 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-4 (Commercial) 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. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON07-00052** 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,

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 _____, 2007.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

Signatures continued on Page 3

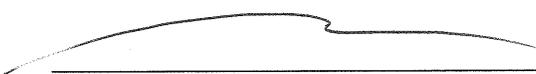
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ORDINANCE NO. _____

Special Permit No. ZON07-00052

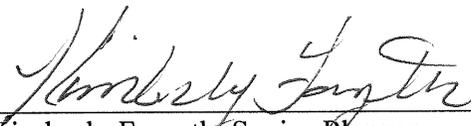
CITY CLERK DEPT 2
07 JUL -9 PM 1:38

APPROVED AS TO FORM:



Lupe Cuellar, Assistant City Attorney

APPROVED AS TO CONTENT:



Kimberly Forsyth, Senior Planner
Development Services Department

CITY CLERK DEPT.
07 JUL -9 PM 1:38

CITY CLERK DEPT.

AGREEMENT

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The Humane Society of El Paso, 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-4 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

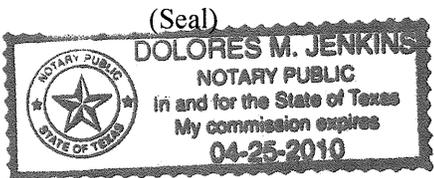
EXECUTED this _____ day of _____, 2007.

Dale K. Denney
(Signature)
BOARD MEMBER
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

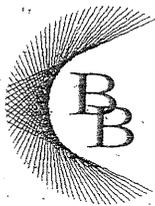
This instrument is acknowledged before me on this 6th day of July, 2007, by DAYLE KENT DENNEY for the Humane Society of El Paso, as Applicant.



Dolores M. Jenkins
Notary Public, State of Texas
Signature

DOLORES M. JENKINS
Printed or Typed Name

My Commission Expires:
04/25/2010



BROCK & BUSTILLOS INC. CITY CLERK DEPT.
 CONSULTING ENGINEERS
 LAND SURVEYORS
 (Formerly Faught & Associates)

ROMAN BUSTILLOS, P.E.
 President
 RANDY P. BROCK, P.E.
 Executive Vice President
 OSCAR V. PEREZ
 Vice President
 ISAAC CAMACHO, P.E., R.P.L.S.
 Survey Manager

07 JUL -9 PM 1:38

AUGUST 13, 2003

LEGAL DESCRIPTION OF A 4.0000 ACRE TRACT

A TRACT OF LAND SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, WHENCE A SQUARE BOLT FOUND FOR THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19, AND 20, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS BEARS THE FOLLOWING TWO COURSES AND DISTANCES:

S.00°52'35"E., 50.05 FEET;
 S.89°04'23"E., 1,486.00 FEET;

THENCE, S.86°33'33"W., 341.25 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, N.00°52'35"W., 517.73 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET ON THE SOUTH BOUNDARY LINE OF THE FORT BLISS MILITARY RESERVATION FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, FOLLOWING THE SOUTH BOUNDARY LINE OF THE FORT BLISS MILITARY RESERVATION, N.88°47'10"E., 340.91 FEET TO A 5/8 INCH REBAR WITH SURVEY CAP NO. TX 2998 FOUND FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, LEAVING THE SOUTH BOUNDARY LINE OF THE FORT BLISS MILITARY RESERVATION, S.00°52'35"E., 504.47 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 4.0000 ACRES, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS OF RECORD.

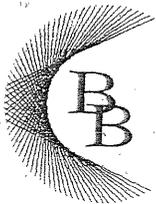
I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Isaac Camacho
 ISAAC CAMACHO, TX RPLS NO: 5337



5896-18A-2

EXHIBIT "A"



BROCK & BUSTILLOS INC.
 CONSULTING ENGINEERS
 LAND SURVEYORS
 (Formerly Faught & Associates)

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ROMAN BUSTILLOS, P.E.
 President
 RANDY P. BROCK, P.E.
 Executive Vice President
 OSCAR V. PEREZ
 Vice President
 ISAAC CAMACHO, P.E., R.P.L.S.
 Survey Manager

AUGUST 13, 2003

LEGAL DESCRIPTION OF A 0.3917 ACRE TRACT

A TRACT OF LAND SITUATE WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AS A PORTION OF SECTION 17, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET ON THE NORTH RIGHT-OF-WAY LINE OF FRED WILSON ROAD FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, WHENCE A SQUARE BOLT FOUND FOR THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19, AND 20, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS BEARS S.89°04'23"E., 1,486.00 FEET;

THENCE, FOLLOWING THE NORTH RIGHT-OF-WAY LINE OF FRED WILSON ROAD; S.86°33'33"W., 341.25 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, LEAVING FRED WILSON ROAD, N.00°52'35"W., 50.05 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, N.86°33'33"E., 341.25 FEET TO A 1/2 INCH REBAR WITH SURVEY CAP NO. TX 5337 SET FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE, S.00°52'35"E., 50.05 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 0.3917 ACRES, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS OF RECORD.

I HEREBY CERTIFY THAT THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY SUPERVISION.

Isaac Camacho

ISAAC CAMACHO, TX RPLS NO. 5337

5896-18A-1

**POOR QUALITY ORIGINAL
 BEST AVAILABLE FILM**



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: ZON07-00052

The City Plan Commission (CPC), on June 21, 2007, voted **4-0** to recommend **APPROVAL** of a special permit request to allow a veterinary clinic to service small and large animals 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.

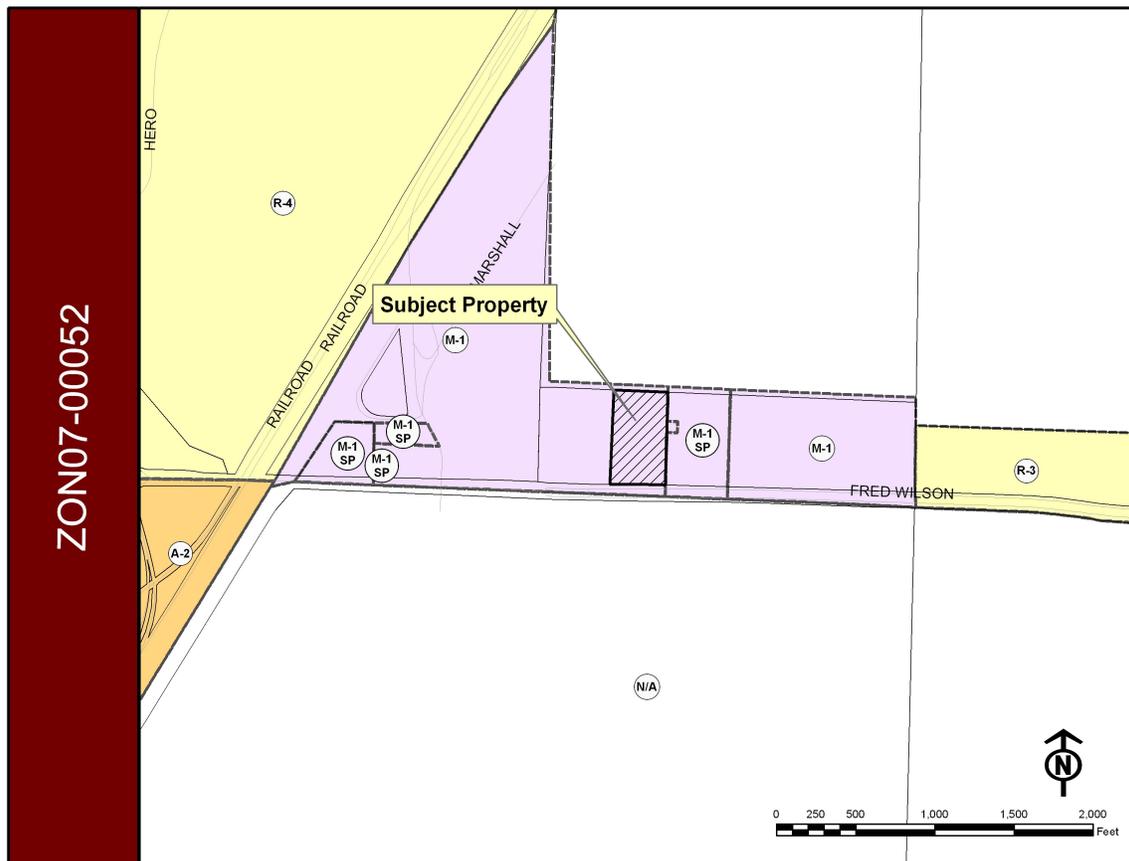
There was no opposition to this special permit request.

Attachment: Staff Report, Site Plan, Elevations, Application



ZON07-00052

Application Type:	Special Permit
Property Owner(s):	Humane Society of El Paso
Representative(s):	Luis H. De La Cruz
Legal Description:	A portion of Section 17, Block 81, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas
Location:	4991 Fred Wilson Avenue
Representative District:	2
Area:	4.39 acres
Zoning:	M-1 (Light Manufacturing) (proposed to be C-4)
Request:	Special permit to allow a veterinary clinic
Recognized Neighborhood	
Associations Contacted:	A Presidential Neighborhood Association
Public Response:	None
Surrounding Land Uses:	North: Fort Bliss, South: Fort Bliss, East: M-1 / Animal Control Center, West: M-1 / Fort Bliss
Year 2025 Designation:	Industrial (Central Planning Area)



General Information:

The applicant requests a special permit to allow a veterinary clinic to service small and large animals on the site. The site plan proposes six new buildings with a ponding area located in the rear of the lot. Fifty parking spaces are proposed on the site plan. Access is proposed via Fred Wilson Avenue. There are no zoning conditions currently on this property.

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 Central Planning Area designates this property for **Industrial** land uses, however, there are existing governmental uses that are similar in nature adjacent to this property.
- **C-4 (Commercial) zoning** permits a veterinary clinic to service small and large animals by special permit.

Findings:

The Commission must determine the following:

- A. Will the special permit for a veterinary clinic protect the best interest, health, safety and welfare of the public in general?
- B. Will the special permit for a veterinary clinic 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: Small or Large veterinary hospital or clinic is allowed under conditions and special permit. Such use is regulated under Title 7 of the El Paso City Code. Meets minimum yard and lot area standards. Meets minimum parking requirements (one per four hundred square feet of floor area).

Landscaping: No comments received.

Development Services - Planning Division:

Current Planning: Recommends approval.

Land Development: No comments received.

Engineering Department, Traffic Division:

No apparent traffic concerns.

Fire Department:

No comments received.

El Paso Water Utilities:

EPWU does not object to this request.



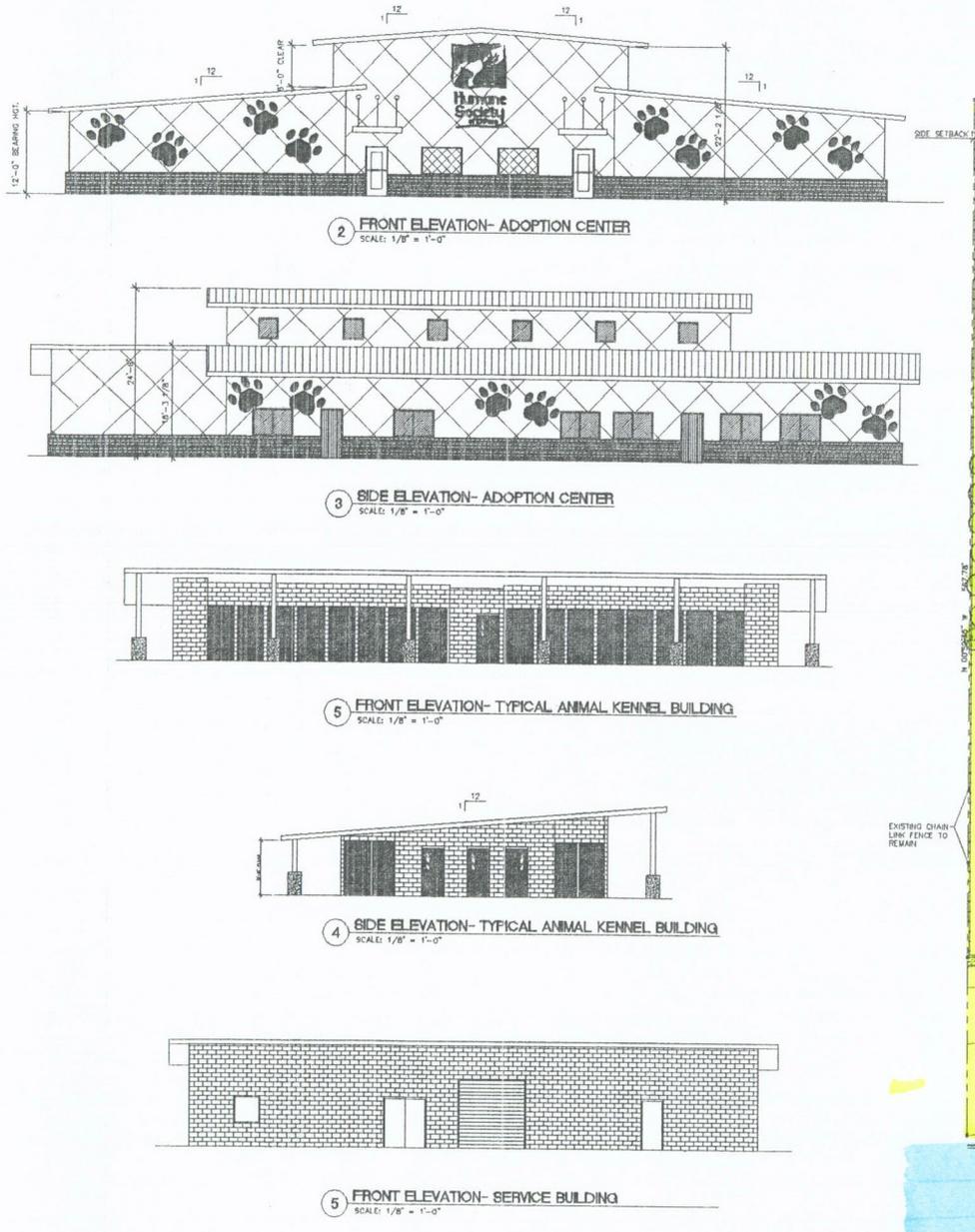
List of Attachments:

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Application

Attachment 2: Elevations



CITY CLERK DEPT.

Attachment 3: Application

07 JUL -9 PM 1:39



SPECIAL PERMIT APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): Humane Society of El Paso
ADDRESS: 325 Shelter Place ZIP CODE: 79905 PHONE: (915) 532-6971
E-MAIL ADDRESS: info@humanesocietyelpaso.org FAX: (915) 532-0155
REPRESENTATIVE(S): Dale Denney

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
LEGAL DESCRIPTION: Portion of Section 17, Block 81, Township 2, Texas & Pacific surra.
STREET ADDRESS OR LOCATION: 4991 Fred Wilson REP DISTRICT: 2
ACREAGE: 64 PRESENT ZONING: M1 PRESENT LAND USE: VACANT
SPECIAL PERMIT REQUEST: veterinary clinic operations

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: Humane Society of El Paso, Inc Signature: Dale K. Denney
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 07-00052 RECEIVED DATE: 04/23/07 APPLICATION FEE: \$ 660.00
DCC REVIEW DATE: 05/23/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 06/21/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: WU