



City of El Paso – City Plan Commission Staff Report

Case No: PZST15-00029
Application Type: Special Permit and Detailed Site Development Plan Review
CPC Hearing Date: September 10, 2015
Staff Planner: Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location: 410 Thorn Street
Legal Description: Portion of Lot 2, Block 27, West Hills Unit Thirteen, City of El Paso, El Paso County, Texas
Acreage: 1.529 acres
Rep District: 1
Existing Zoning: C-1/sc (Commercial/special contract)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Yes; Special contracts attached to Ordinance Nos. 5599 and 7403
Request: Infill Development / Rear Setback Reduction
Proposed Use: Apartments / Office
Property Owner: MS Property, LLC
Representative: Mustafa Ali

SURROUNDING ZONING AND LAND USE

North: R-3A (Residential) / Single-family Dwellings
South: R-3A/sc (Residential/Special contract) / Single-family Dwellings
East: C-4/sc (Commercial/Special contract) and C-1/sc (Commercial/Special contract) / Restaurant & Apartment complex
West: C-1/sc (Commercial/Special contract) / Detention Pond

PLAN EL PASO DESIGNATION: G-4 Suburban (Walkable) (Northwest Planning Area)

NEAREST PARK: Bartlett Park (1,256 feet)

NEAREST SCHOOL: Roberts Elementary School (1,126 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Mesa Hills Neighborhood Association
Upper Valley Improvement Association
Coronado Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 25, 2015. The Planning Division received one phone call in opposition and one phone call in support of the special permit request.

APPLICATION HISTORY

Ordinance No. 5599, dated July 31, 1975, rezoned the property from R-3 (Residential) to A-O (Apartment-Office) and imposed a special contract requiring platting and dedication of ROW. This special contract remains in effect but has been satisfied.

Ordinance No. 7403, dated May 10, 1983, rezoned the property from A-O (Apartment-Office) to C-1 (Commercial) and imposed a special contract requiring the property to be platted before the issuance of building permits. This contract remains in effect but has been satisfied.

APPLICATION DESCRIPTION

The request is for a special permit and detailed site plan approval to allow for infill development to permit a reduction in rear setback from 25' to 24'. The proposed use is for 4,000 sq. ft. of commercial office space and an apartment complex inclusive of 28 two-bedroom units. The development requires and provides the minimum 6,844 sq. ft of landscaping, to include street trees. The proposed development requires 66 parking spaces, and provides 66, including ADA accessible parking and bicycle spaces. Access to the property is proposed from Thorn Street.

Planning and Inspections Department – Planning Division Recommendation

The Planning Division recommends **approval** of the request, and acceptance of the detailed site development plan, as the proposed development is consistent with the existing commercial and apartment uses adjacent to the subject property. Additionally, the proposed development is compliant with the G-4 Suburban (Walkable) land use designation in the Plan El Paso Northwest Planning Area. Further, the property meets the requirements of Sections 20.04.320, Special Permit Approvals, 20.10.280, Infill Development, and 20.04.150 Detailed Site Development Plan.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

ANALYSIS

To grant the special permit to allow for infill development, the applicant must comply with the following standards, per Section 20.10.280, Infill Development:

A. Location Criteria. An infill development may be designated for any property on which at least two of the following factors are present: the property is wholly or partially located within a designated tax increment financing district, or the property is wholly or partially located within a designated state or federal enterprise zone, or the property is wholly or partially located within an empowerment zone, or the property is wholly or partially located within a designated redevelopment area pursuant to Chapter 20.14 of this title, or the property is located within a designated historic district, or the property is within an older neighborhood of the city. An older neighborhood of the city defined as a legally recorded and developed subdivision for at least thirty years. Where an infill development is able to satisfy only one of the preceding factors, an applicant shall be allowed to make a formal request to city council to waive the two factor requirement prior to the submission of a special use permit application for the property. In all instances where a waiver is requested and authorized by city council, at least one location factor shall be met. For purposes of this section, any property with a historic designation shall be subject to the requirements and review provisions of Chapter 20.20 (Historic Designations) of this title, and shall not be waived by any provision of this section.

The property meets only one criterion, residing within a state enterprise zone. On August 11, 2015, the El Paso City Council waived the two-factor location requirement for infill development.

B. Use Regulations. Unless the ordinance designating the infill development provides otherwise, a proposed infill development may be approved for any use permitted in the base-zoning district in which it is located. However, the ordinance designating an infill development overlay may provide a list of principal uses, accessory uses and prohibited uses pursuant to a specific area plan adopted by the city council.

Office and apartments uses are a permissible in the C-1 (Commercial) zone district.

C. Setback Provisions. The side, front and rear setback requirements of the base-zoning district on which it is located may be reduced up to one hundred percent for an infill development as approved by city council. Buildings should be designed to relate to and take advantage of any existing site attributes, and shall be a consideration for reduction of the setback requirements.

Dimensional Standards Required and Proposed		
Dimension	Required	Proposed
Rear Setback	25'	24'

D. Parking. The minimum parking requirements enumerated in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall be automatically reduced by fifty percent for any use within a designated infill development.

The proposed development requires 66 parking spaces, and provides 66, including ADA accessible parking and bicycle spaces.

E. Design. Unless otherwise approved by city council, any construction permitted pursuant to this section shall be designed to consistently relate to the massing and character of the surrounding properties. Consistency of massing and character shall be determined as shown on the site plan with typical elevations and proposed construction materials, that the proposed construction is compatible with the overall design features and building development of the neighborhood within which the proposed infill development is located. Design features include, but shall not be limited to, building height, architectural style, building materials, landscape and setbacks.

The proposed development is consistent with the G-4 Suburban (Walkable) growth sector.

COMMENTS:

Planning and Inspections Department – Planning Division - Transportation

No objections.

Note: All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

Planning and Inspections Department - Land Development

No objection.

Planning and Inspections Department – Plan Review

Recommend approval. At the time of submittal for building permits project will need to comply with all provisions of the IBC, TAS and local municipal code.

Planning and Inspections Department - Landscaping

Recommend approval. At the time of submittal for building permits project will need to comply with all provisions of the IBC, TAS and local municipal code.

El Paso Fire Department

Recommend approval.

El Paso Water Utilities

EPWU does not object to this request.

Water:

1. There is an existing 8-inch diameter water main extending along Thorn Drive that is available for service, the water main is located approximately 10-ft north from the center line of the right-of-way.
2. Previous water pressure tests from fire hydrant # 4351 located at the northeast corner of Thorn Drive and Bartlett Drive have yielded a static pressure of 155 (psi) pounds per square inch, a residual pressure of 150 (psi) pounds per square inch, and a discharge of 1482 (gpm) gallons per minute.
3. 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 extending along Thorn Drive that is available for service, the sewer main is located approximately 5-ft south from the center line of the right-of-way.

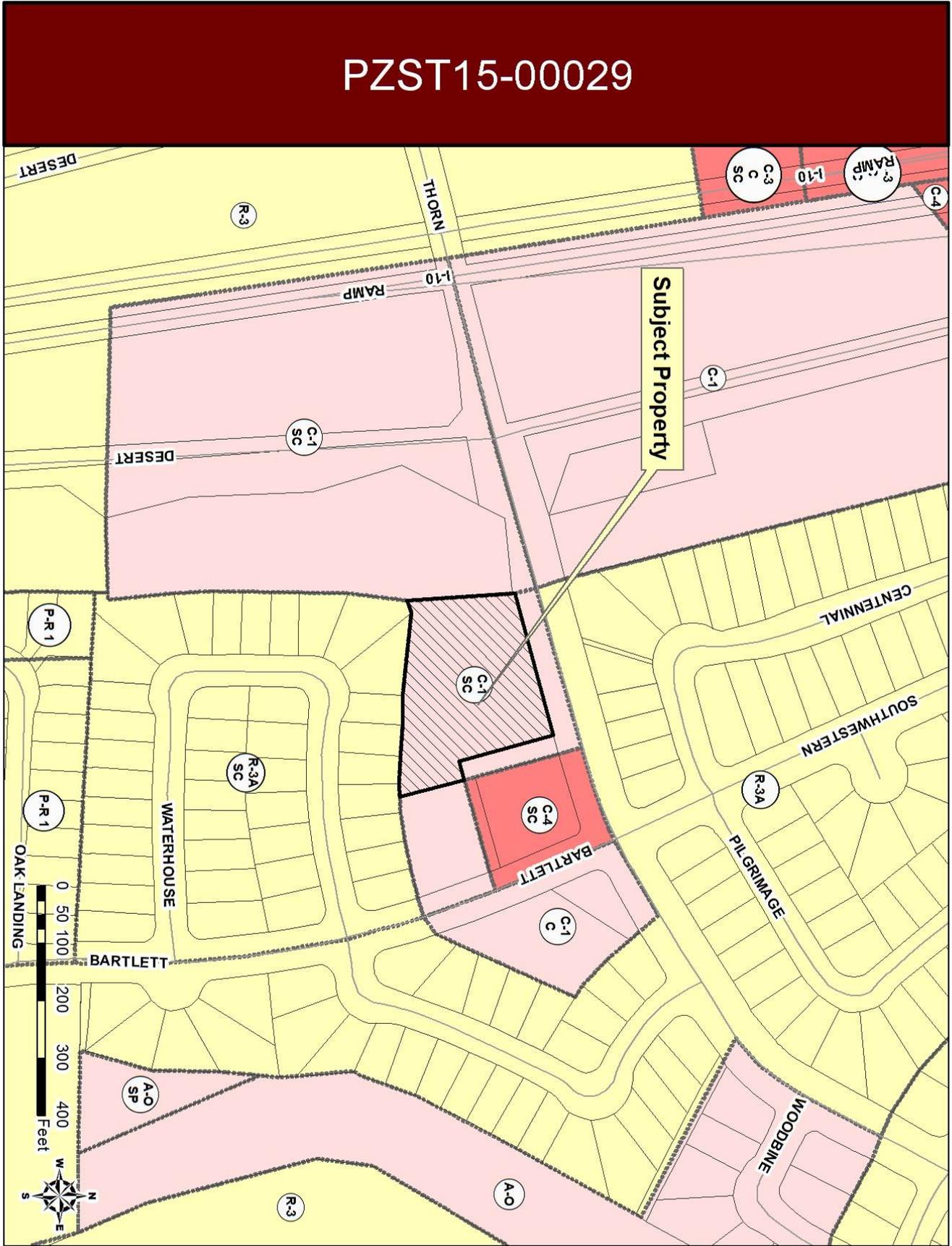
General:

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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations
5. Ordinance No. 5599
6. Ordinance No. 7403

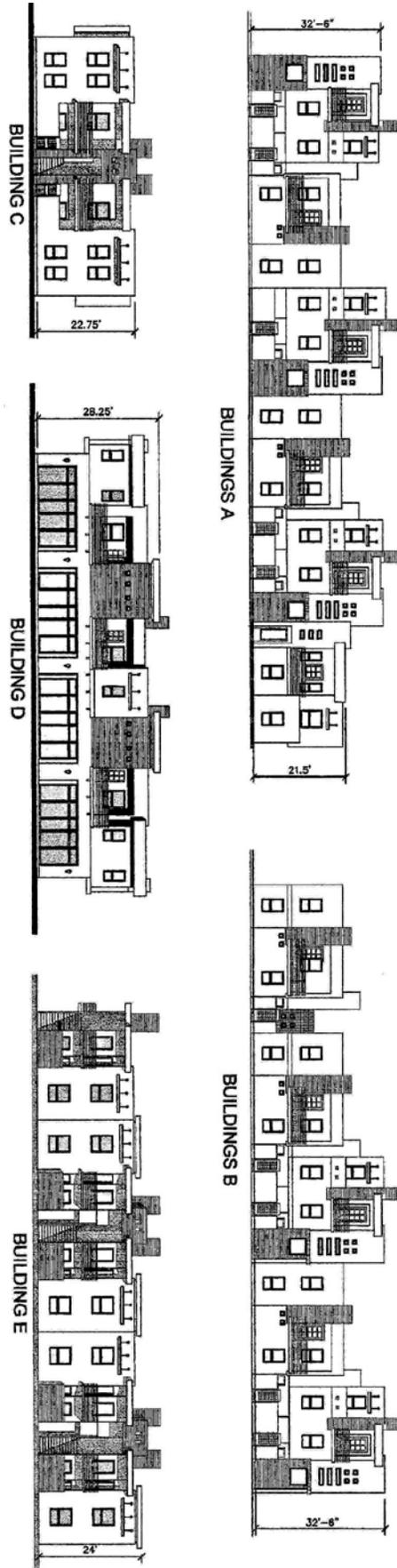
PZST15-00029



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ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: ORDINANCE NO. 5599

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF S. A. & M. G. RAILWAY COMPANY SURVEY 268, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of a portion of S. A. & M. G. Railway Company Survey 268, as more particularly described below by metes and bounds, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel I - R-3 to C-4

Beginning at a point, said point being the intersection of the easterly right of way line of U.S. Highway Interstate No. 10 with the northerly boundary line of said Survey No. 268;

Thence east along said northerly boundary line a distance of 730.00 feet;

Thence south a distance of 900.00 feet;

Thence 497.94 feet along the arc of a curve to the left whose interior angle is 12° 45' 00", whose radius is 2,237.62 feet and whose long chord bears South 06° 22' 30" East a distance of 496.91 feet;

Thence South 12° 45' 00" East a distance of 1,042.00 feet;

Thence 254.80 feet along the arc of a curve to the left whose interior angle is 15° 11' 51", whose radius is 960.62 feet and whose chord bears South 05° 09' 05" East a distance of 254.05 feet;

Thence South 49° 21' 08" West a distance of 506.01 feet to a point, said point lying in the easterly right of way line of U. S. Highway Interstate No. 10;

Thence North 16° 49' 59" West along said easterly right of way line a distance of 1,085.86 feet;

THE FOLLOWING ZONING MAP

10-17-75

10-7-75

10-27-75 Billy Inspeccion

10-27-75 CONFIRMED

[Handwritten signature]

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certify that the zoning map has been revised by the amendment of ordinance # 5599 Date 10-29-75

ATTACHMENT 5: ORDINANCE NO. 5599

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THENCE North 18°55' 00" West continuing along said easterly right of way line a distance of 201.56 feet;

THENCE North 11°47'30" West continuing along said of right of way line a distance of 1,500.00 feet;

THENCE North 04° 40' 00" West continuing along said right of way line a distance of 198.35 feet;

THENCE North 11° 47' 30" West continuing along said easterly right of way line of U. S. Highway Interstate No. 10 a distance of 83.68 feet to the POINT OF BEGINNING and containing in all 1,557,728.527 square feet or 35.761 acres of land more or less.

PARCEL 2 - R-3 to I-D

FROM a point, said point being the intersection of the easterly right of way line of U. S. Highway Interstate No. 10 with the northerly boundary line of said Survey No. 268; thence East along said northerly boundary line a distance of 730.00 feet to the POINT OF BEGINNING;

THENCE continuing East along said northerly boundary line a distance of 2,830.61 feet to point, said being the northwesterly corner of a City of El Paso Easement;

THENCE South along the westerly boundary line of said easement a distance of 700.00 feet to a point, said point being the Southwesterly corner of said City of El Paso Easement;

THENCE South 79°02'14" West a distance of 454.54 feet;

THENCE South 89°15'00" West a distance of 300.00 feet;

THENCE South 75°00'00" West a distance of 190.00 feet;

THENCE South 55°00'00" West a distance of 345.56 feet to a point, said point being the most northerly corner of Regal Crest Addition Unit Two;

THENCE continuing South 55°00'00" West along the North westerly boundary line of said Unit Two, a distance of 246.94 feet;

THENCE South 22° 39'30" West along said North westerly boundary line a distance of 372.11 feet;

THENCE South 27,43'30" West continuing along said North westerly boundary line a distance of 267.88 feet;

THENCE South 41° 01' 00" West continuing along said North westerly boundary line a distance of 284.15 feet;

THENCE South 26° 10'00" West continuing along said North westerly boundary line a distance of 305.55 feet;

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THENCE South $47^{\circ}30'30''$ West continuing along said North westerly boundary line a distance of 259.90 feet;

THENCE South $49^{\circ}21'08''$ West continuing along said North westerly boundary line of the Regal Crest Addition, Unit Two, a distance of 344.25 feet to a point;

THENCE 264.80 feet along the arc of a curve to the right whose interior angle is $15^{\circ}11'51''$, whose radius is 960.62 feet and whose chord bears North $05^{\circ}09'05''$ West a distance of 254.05 feet;

THENCE North $12^{\circ}45'00''$ West a distance of 1,042.00 feet;

THENCE 497.94 feet along the arc of a curve to the right whose interior angle is $12^{\circ}45'00''$, whose radius is 2,237.62, and whose long chord bears North $06^{\circ}22'30''$ West a distance of 496.91 feet;

THENCE North a distance of 900.00 feet to a point, said point lying in the northerly boundary line of the S.A. & M.G. Railway Company Survey No. 268 and said point also being the POINT OF BEGINNING and containing in all 4,078,883.424 square feet or 93.638 acres of land more or less.

Parcel 3 - R-3 to A-2

FROM a point, said point being the northeasterly corner of the S.A. & M.G. Company Survey No. 268; THENCE South along the easterly boundary line of said Survey No. 268 a distance of 700.00 feet to the POINT OF BEGINNING;

THENCE South, continuing along said easterly boundary line of Survey No. 268 a distance of 1,472.78 feet;

THENCE 1,368.36 feet along the arc of a curve to the right whose interior angle is $53^{\circ}06'33''$, whose radius is 1,476.23 feet and whose chord bears North $61^{\circ}23'16''$ West a distance of 1,319.90 feet;

THENCE North $34^{\circ}50'00''$ West a distance of 370.00 feet;

THENCE 512.91 feet along the arc of a curve to the right whose interior angle is $19^{\circ}19'36''$, whose radius is 1,520.57 feet and whose chord bears North $25^{\circ}10'12''$ West a distance of 510.48 feet;

THENCE North $79^{\circ}02'14''$ East a distance of 394.36 feet to a point, said point being the Southwesterly corner of an City of El Paso Easement;

THENCE East along southerly boundary line of said easement a distance of 1,200.00 feet to the POINT OF BEGINNING and containing in all 1,683,738.539 square feet or 38.653 acres of land more or less.

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Parcel 5 - R-3 to A-O

BEGINNING at a point, said point being the intersection of the easterly right of way line of U. S. Highway Interstate No. 10 and the southerly right of way line of Thorn Avenue;

THENCE North 71°44' East along the southerly right of way line of Thorn Avenue a distance of 71.72 feet;

THENCE South 18°16'00" East continuing along said right of way line a distance of 15.00 feet;

THENCE North 71°44'00" East continuing along said southerly right of way line a distance of 370.28 feet;

THENCE 231.53 feet continuing along said southerly right of way line and along the arc of a curve to the left whose interior angle is 16°39'33" whose radius is 796.31 feet and whose long chord bears North 63°24'14" East a distance of 230.72 feet;

THENCE North 55°04'27" East continuing along said southerly right of way line a distance of 293.40 feet;

THENCE 219.29 feet continuing along said southerly right of way line and along the arc of a curve to the left whose interior angle is 30°40'23", whose radius is 409.62 feet and whose long chord bears North 39°44' 16" East a distance of 216.68 feet;

THENCE North 24°24'04" East continuing along the southerly right of way line of Thorn Avenue a distance of 150.30 feet, to a point lying in the southerly boundary line of Block 14, Regal Crest Addition, Unit Two;

THENCE South 65°35'56" East along said southerly boundary line a distance of 150.00 feet;

THENCE South 79°17'50" East continuing along said southerly boundary line a distance of 141.40 feet;

THENCE South 87°20'16" East continuing along the southerly boundary line of Block 14, Regal Crest Addition, Unit Two a distance of 50.52 feet to a point, said point lying in the westerly boundary line of a City of El Paso easement;

THENCE South 26°20'00" West along said westerly boundary line a distance of 845.58 feet;

THENCE South 18°00'00" East continuing along said westerly boundary line a distance of 312.84 feet;

THENCE South 26°20'00" East continuing along said westerly boundary line a distance of 287.31 feet to a point lying in the northerly boundary line of said City of El Paso Easement;

THENCE West along said northerly boundary line a distance of 1,242.59 feet to a point lying in the easterly right of way of U. S. Highway Interstate No. 10;

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THENCE North $33^{\circ}32'18''$ East continuing along said easterly right of way a distance of 18.00 feet;

THENCE North $18^{\circ}16'00''$ West continuing along said easterly right of way line a distance of 150.00 feet;

THENCE North $04^{\circ}00'24''$ West continuing along said easterly right of way line a distance of 153.93 feet;

THENCE North $01^{\circ}43'31''$ West continuing along said easterly right of way a distance of 62.59 feet;

THENCE North $18^{\circ}16'00''$ West continuing along said easterly right of way line a distance of 162.28 feet;

THENCE North $28^{\circ}34'16''$ East continuing along the easterly right of way line of U. S. Highway Interstate No. 10 a distance of 201.21 feet to the POINT OF BEGINNING and containing in all 1,165,419.138 square feet or 26.754 acres of land more or less.

Parcel 6 - R-3 to A-2

BEGINNING AT A POINT, said point being the southerly corner of said Survey No. 268, thence West along the southerly boundary line of said Survey No. 268 a distance of 1,291.11 feet;

THENCE North a distance of 300.00 feet to a point, said point lying in the easterly boundary line of a City of El Paso Easement;

THENCE North $53^{\circ}08'22''$ East along said easterly boundary line a distance of 272.21 feet;

THENCE North $31^{\circ}56'23''$ East continuing along said easterly boundary line a distance of 382.12 feet;

THENCE North continuing along said easterly boundary line a distance of 312.50 feet to a point, said point being the northeasterly corner of said City of El Paso Easement;

THENCE North $20^{\circ}35'00''$ East a distance of 266.00 feet;

THENCE North $61^{\circ}54'56''$ East a distance of 120.17 feet to the centerline of the Southbound Lane of Lakehurst Drive;

THENCE South $28^{\circ}05'04''$ East along said centerline a distance of 238.63 feet;

THENCE 204.15 feet continuing along said centerline and along the arc of a curve to the left whose interior angle is $05^{\circ}29'00''$, whose radius is 2,133.22 feet and whose long chord bears South $30^{\circ}49'34''$ East a distance of 204.08 feet;

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ATTACHMENT 5: ORDINANCE NO. 5599

Thence South 33° 34' 04" East continuing along said centerline a distance of 540.00 feet;

Thence 205.77 feet along said centerline of the southbound lane of Lakehurst Drive and along the arc of a curve to the left whose interior angle is 33° 34' 00", whose radius is 351.23 feet and whose chord bears South 50° 21' 04" East a distance of 202.84 feet to a point lying in the easterly line of the S. A. & M. G. Railway Company Survey No. 268;

Thence south along said easterly boundary line a distance of 440.58 feet to the point of beginning and containing in all 1,045,867.851 square feet or 24.010 acres of land, more or less.

PASSED AND APPROVED this 31st day of July,
1975.

Mayor

ATTEST:

City Clerk

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ATTACHMENT 5: ORDINANCE NO. 5599

CONTRACT

This contract, made this 27th day of August, 1975, by and between V. RANDOLPH DELK and PAUL A. OLSON, Trustees of the Weaver Line of Descent Trusts; V. RANDOLPH DELK and MERLE McMILLAN, Trustees of the Merle McMillan Trust, CAROLYN CHAMBERS, WILLIAM G. SULLIVAN, W. M. ZUENDT and HERMAN SIEGEL, Co-Executors of the Estate of Thorne M. Shugart, Bates Belk, Trustee, and FOSTER-SCHWARTZ DEVELOPMENT CORP., First Parties; DALE RESLER, Second Party; and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of S. A. & M. G. Railway Company Survey 268 in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5599 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" 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, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits shall be issued for construction on the property unless a subdivision plat of the part of the property where such construction will be done has been approved and filed for record.

2. Upon demand by the City Engineer or at the time subdivision plats are approved and filed for record, First Parties will, at no cost to the City, dedicate to the City as a public street a 60-foot wide strip of land adjacent and parallel to the northerly boundary of Parcels 1 and 2 (described in the attached ordinance) and extending 2800 feet easterly from the east right of way line of Interstate Highway 10. Such dedication shall be by an appropriate deed of dedication or by subdivision plat.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall

ATTACHMENT 5: ORDINANCE NO. 5599

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.

Second Party is the owner and holder of recorded liens on part of the property and consents to this contract.

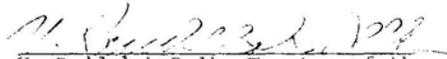
WITNESS the following signatures and seals:



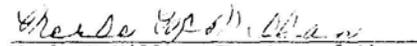
V. Randolph Delk, Trustee of
the Weaver Line of Descent
Trusts.



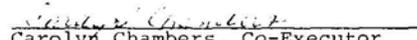
Paul A. Olson, Trustee of the
Weaver Line of Descent Trusts.



V. Randolph Delk, Trustee of the
Merle McMillan Trust.



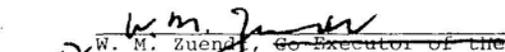
Merle McMillan, Trustee of the
Merle McMillan Trust.



Carolyn Chambers, Co-Executor
of the Estate of Thorne M.
Shugart.



William G. Sullivan, Co-Executor
of the Estate of Thorne M.
Shugart.



W. M. Zuend, Co-Executor of the
Estate of Thorne M. Shugart.

ATTACHMENT 5: ORDINANCE NO. 5599

Herman Siegel
Herman Siegel, Co-Executor of
the Estate of Thorne M.
Shugart.

Bates Belk
Bates Belk, Trustee

Dale Resler
DALE RESLER

FOSTER-SCHWARTZ DEVELOPMENT
CORP., a corporation

By [Signature]
V.P. President

ATTEST:

[Signature]
ASST - Secretary

THE CITY OF EL PASO

By E. Orban
Mayor PRO-TEM

ATTEST:

[Signature]
City Clerk

THE STATE OF TEXAS)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally
appeared DALE RESLER, 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 10th day of September,
1975.

DEANA R. COLE, Notary Public
In and for El Paso County, Texas
My commission expires June 1, 1977.

[Signature]
Notary Public, El Paso County, Texas.

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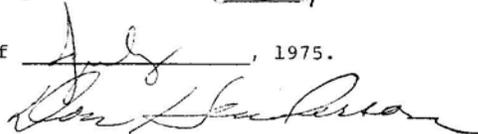
ATTACHMENT 5: ORDINANCE NO. 5599

RESOLUTION

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

That the Mayor be authorized to sign a contract with FOSTER-SCHWARTZ DEVELOPMENT CORP., et al., placing certain restrictions on property rezoned by Ordinance No. 5599

ADOPTED this 31 day of July, 1975.



Mayor

ATTEST:


City Clerk

City Clerk

SEP 13 1975

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ATTACHMENT 6: ORDINANCE NO. 7403

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACT 6A, S A & M G RR
CO. SURVEY #268, THE PENALTY BEING AS
PROVIDED IN SECTION 25-96 OF THE
EL PASO CITY CODE

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

That the zoning of a portion of Tract 6A, S A & M G RR Co. Survey #268, as more particularly described below, be changed to C-1 (Commercial) District within the meaning of the zoning ordinance, and the zoning map of the City be revised accordingly:

A parcel of land being a portion of Tract 6A, S.A. & M.G. RR Co. Survey 268, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows, to-wit:

Beginning at the south right of way line of Thorn Drive intersecting the west boundary of Regal Crest Unit Two;

Thence north 71°44'00" east along said right of way line a distance of 71.71 feet;

Thence south 18°16'00" east a distance of 15.00 feet;

Thence north 71°44'00" east a distance of 370.28 feet;

Thence 148.03 feet along the arc of a curve to the left, whose interior angle is 10°39'03", whose radius is 796.31 feet, whose chord bears north 66°24'29" east a distance of 147.81 feet;

Thence south 27°51'45" east a distance of 26.76 feet;

Thence 348.89 feet along the arc of a curve to the right, whose interior angle is 53°18'23", whose radius is 375.00 feet, whose chord bears south 01°12'33" east a distance of 336.44 feet;

Thence 166.53 feet along the arc of a curve to the left, whose interior angle is 25°26'38", whose radius is 375.00 feet, whose chord bears south 12°43'19" west a distance of 165.17 feet;

Thence south a distance of 368.40 feet;

Thence west a distance of 540.00 feet;

Thence north 33°32'18" east a distance of 20.00 feet;

Thence north 18°14'30" west a distance of 150.00 feet;

Thence north 18°14'30" west a distance of 162.28 feet;
Thence north 04°00'24" west a distance of 153.93 feet;
Thence north 01°43'31" west a distance of 62.59 feet;
Thence north 18°14'30" west a distance of 162.28 feet;

-1-

81-4714
MAY 10 1983
DEPARTMENT
OF PLANNING

ATTACHMENT 6: ORDINANCE NO. 7403

Thence north 28°34'16" east a distance of 201.21 feet to the POINT OF BEGINNING and containing in all 476,829.02 square feet or 10.947 acres of land more or less.

PASSED AND APPROVED this 10th day of MAY, 1983.

ATTEST:

James W. Rogers
Mayor

W. Kiegs
City Clerk

APPROVED AS TO FORM:

Leon Brown
Assistant City Attorney

APPROVED AS TO CONTENT

Paul Amabile
Planning Department

I certify that the zoning map has been revised to reflect the amendment of ordinance # 7403
R. Donizale Date 5-13-83

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.D.
5-16-83 COUNTER
5-13-83 ORIGINAL
5-18-83 Bldg Inspection
5-13-83 CONTROL *R. Donizale*

ATTACHMENT 6: ORDINANCE NO. 7403

CONTRACT

THIS CONTRACT, made this 5th day of May, 1983,
by and between FOSTER-SCHWARTZ DEVELOPMENT CORP., 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 portion of Tract 6A, S A & M G RR Co. Survey #268, all in the
City and County of El Paso, Texas, such property being more parti-
cularly described in Ordinance No. 7403, now pending before the
City Council of the City of El Paso, a copy of which is attached
hereto, marked Exhibit "A" and made a part hereof by reference.
To remove certain objections to such rezoning, First Party covenants
that if the property is rezoned to C-1 (Commercial) District within
the meaning of the zoning ordinance of the City of El Paso, it shall
be subject to the following restriction, condition and covenant:

No building permits shall be issued for the property until
a subdivision plat of the property has been approved by the
City Plan Commission and filed for record.

This contract 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 contract by injunction or any other
legal or equitable remedy. The City Council of the City of El Paso
may release the above restriction, condition and covenant in its
discretion without the consent of any third person who may be
benefited thereby.

WITNESS the following signatures and seals:

ATTACHMENT 6: ORDINANCE NO. 7403

FOSTER-SCHWARTZ DEVELOPMENT CORP.

ATTEST:

By *[Signature]*
Title: VICE PRESIDENT

[Signature]
Secretary

81-4714
MAY 11 1983
DEPARTMENT
OF PLANNING

-1-

ATTACHMENT 6: ORDINANCE NO. 7403

7:
C

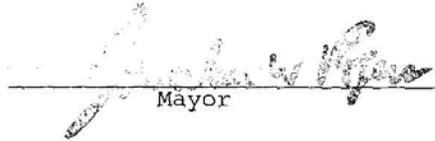
RESOLUTION

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

That the mayor be authorized to execute a contract with FOSTER-SCHWARTZ DEVELOPMENT CORP., placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 7403.

ADOPTED this 10th day of MAY, 1983.

ATTEST:

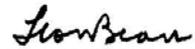


Mayor



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney