

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: February 9, 2010  
Public Hearing: March 2, 2010

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An ordinance releasing conditions placed on Tract 12 and 12A , Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Southwest corner of George Dieter Drive at Montana Avenue. Property Owner: Saadatkah Ardolkarim. ZON09-00079 (**District 5**)

**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 (6-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Deputy Director-Planning, Development Services Department

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**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELEASING CONDITIONS PLACED ON TRACT 12 AND 12A ,  
SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY  
COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE  
PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY  
CODE.**

**WHEREAS**, the zoning of the property described as *Tracts 12 and 12A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 8850 dated November 11, 1986; and, as more particularly described by metes and bounds on the attached Exhibit "A," incorporated by reference; and,

**WHEREAS**, the rezoning was subject to the following zoning conditions:

1. *First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.*
2. *Prior to the issuance of any building permits, a subdivision plat must be filed of record. As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montana Avenue interchange.*
3. *No building(s) can be constructed closer than fifty (50) feet to the southern boundary line of Parcel 1.*

**WHEREAS**, placement of such conditions was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

**WHEREAS**, the owner (applicant) submitted an application requesting to release all of Condition No. 1 and the second sentence of Condition No. 2. The first sentence of Condition No. 2 and all of Condition No. 3 will remain on the above described property; and,

**WHEREAS**, a public hearing regarding amendment of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of the above conditions will protect the best interest, health, safety, and welfare of the public in general.

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

That the following zoning conditions imposed by Ordinance No. 8850 dated November 11, 1986 be released because the conditions are no longer necessary.

1. *First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.*
2. *As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montana Avenue interchange.*

That the remaining conditions imposed by Ordinance No. 8850 dated November 11, 1986 remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**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:**

\_\_\_\_\_  
Mathew S. McElroy  
Deputy Director – Planning  
Development Services Department

Being all of Tracts 12 and 12A,  
Section 36, Block 80, Township 2,  
Texas and Pacific Railway Company Surveys,  
City of El Paso, El Paso County, Texas  
October 28, 2009

**METES AND BOUNDS DESCRIPTION**  
Exhibit "A"

**FIELD NOTE DESCRIPTION** of Tracts 12 and 12A, Section 36, Block 80, Township 2,  
Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas and being  
more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at the common section corner of Sections 31, 36, 37 and  
42, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys and being  
the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said section corner and along common section line of Sections 36 and  
37, North 90°00'00" West, a distance of 323.02 feet to a point;

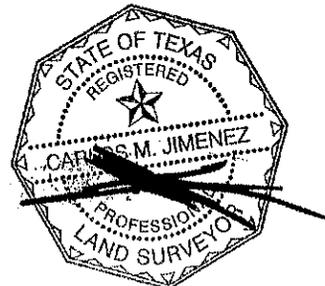
**THENCE**, leaving said common section line, North 00°00'00" West, a distance of  
1256.24 feet to a point;

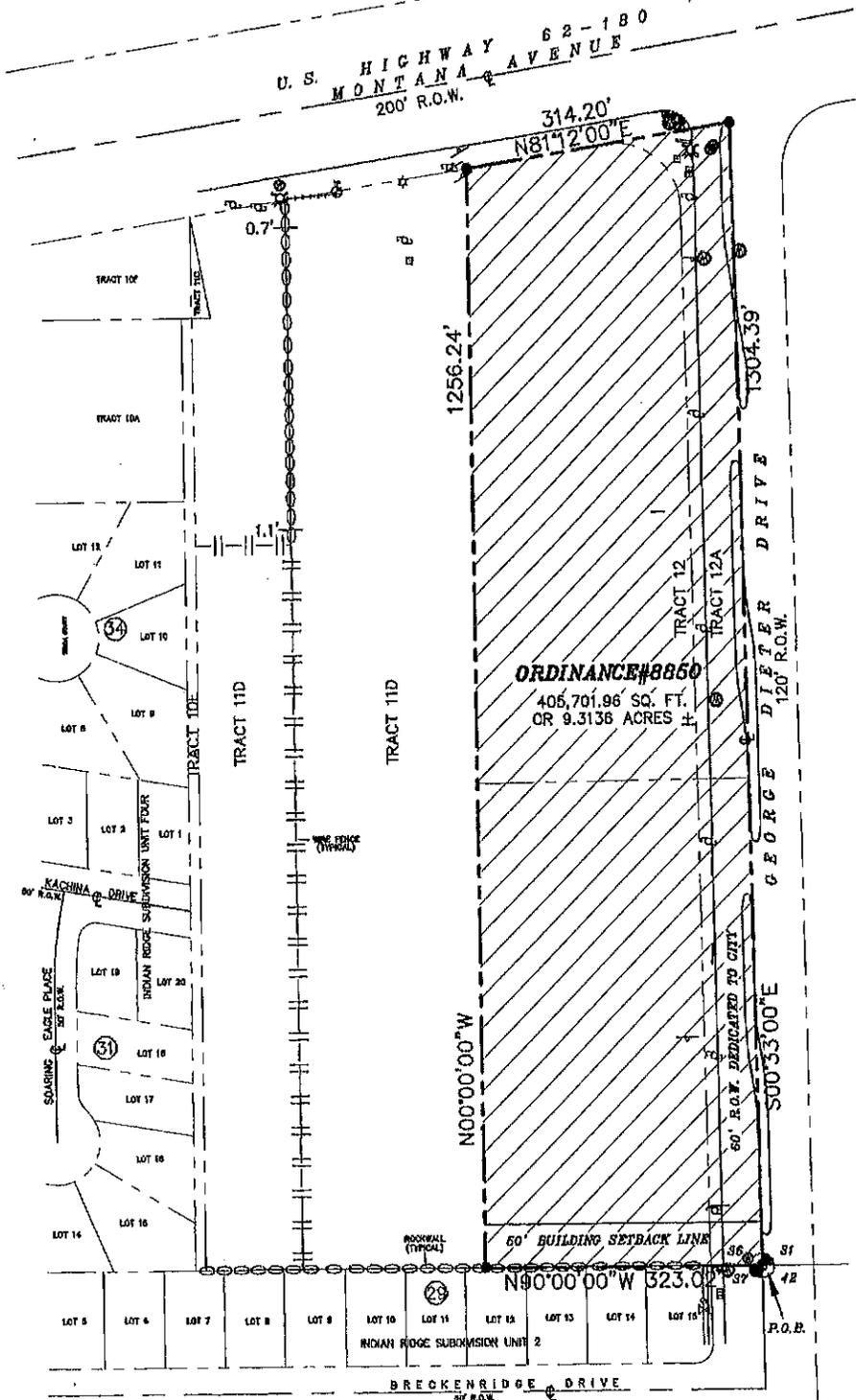
**THENCE**, North 81°12'00" East, a distance of 314.20 feet to a point;

**THENCE**, South 00°33'00" East, a distance of 1304.39 feet to the **POINT OF  
BEGINNING** of the herein described parcel and containing 405,701.96 square feet or 9.3136  
acres of land more or less.

Carlos M. Jiménez  
Registered Professional Land Surveyor  
Texas No. 3950

CAD Consulting Co.  
1790 Lee Trevino Drive. Suite 503  
El Paso, Texas 79936  
(915) 633-6422  
I:\M&B\2009\Pars Zoning.wpd





- LEGEND**
- ⊙ WATER METER
  - ⊕ FIRE HYDRANT
  - ⊙ TELEPHONE PRISER
  - ⊕ POWER POLE
  - ⊙ ANCHOR
  - ⊕ MANHOLE

SCALE 1"=200'

NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

**CERTIFICATION**

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS MADE ON THE GROUND AND UNDER MY SUPERVISION AND IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN HEREON.

CARLOS M. JIMENEZ  
 PROFESSIONAL SURVEYOR  
 R.P.L.S. No. 39867

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JOB # ZONING--2 DATE: 10-28-09 FIELD: JM OFFICE: EA FILE: NET:\ENRIQUE\2009\ZONING-2

BEING ALL OF TRACTS 12 AND 12A, (SEE EXHIBIT "A")  
 SECTION 36, BLOCK 80, TOWNSHIP 2  
 TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS  
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

**CAD CONSULTING COMPANY**  
 1790 LEE TREVINO DRIVE SUITE 503  
 EL PASO, TEXAS 79936  
 (915) 633-6422

## MEMORANDUM

**DATE:** February 1, 2010

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

**SUBJECT: ZON09-00079**

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The City Plan Commission (CPC) on January 14, 2010 voted **6-0** to recommend **APPROVAL** of releasing conditions imposed on the property by Ordinance No. 8850, dated November 11, 1986, in agreement with the recommendation from the DCC and staff.

The CPC found that the zoning condition release 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 East Planning Area. The CPC also determined that the zoning condition release protects the best interest, health, safety, and welfare of the public in general; and the zoning condition release will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no public comments in support or in opposition to this request.

**Attachment:** Staff Report



**City of El Paso – City Plan Commission Staff Report**

**Case No:** ZON09-00079  
**Application Type** Zoning Condition Release  
**CPC Hearing Date** January 14, 2010  
**Staff Planner** Esther Guerrero, (915) 541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)  
**Location** South of Montana Avenue and west of George Dieter Drive  
**Legal Description** Tracts 12 and 12A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas  
**Acreage** 9.3136 acres  
**Rep District** 5  
**Present Zoning** C-4/c/sc (Commercial/condition/special contract), C-3/c/sc (Commercial/condition/special contract) and C-1/sc (Commercial/special contract)  
**Request** Release all of zoning Condition No. 1 and the second sentence from Condition No. 2 imposed by Ordinance No. 8850, dated November 11, 1986  
**Existing Use** Vacant  
**Property Owner** Saadatkah Ardolkarim  
**Representative** Del Rio Engineering, Inc.

**SURROUNDING ZONING AND LAND USE**

**North:** N/A / Fort Bliss Property  
**South:** R-3 (Residential) / Single-family Residential  
**East:** C-4/sc (Commercial/special contract), C-1/sc (Commercial/special contract) / Neighborhood Commercial  
**West:** C-4/c (condition), C-3/c (Commercial/condition) and C-1 (Commercial) / Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Mixed-Use (East Planning Area)

**NEAREST PARK:** Mission Hills Park (4,255 Feet)

**NEAREST SCHOOL:** Pebble Hills Elementary (2,995 Feet)

**NEIGHBORHOOD ASSOCIATIONS**

East Side Civic Association

**NEIGHBORHOOD INPUT**

Notices of the January 14, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on December 28, 2009. The Planning Division has received one phone call requesting additional information.

**APPLICATION DESCRIPTION**

The applicant is requesting to release all of Condition No. 1 and the second sentence of Condition No. 2. The first sentence of Condition No. 2 will remain including all of Condition No. 3. (See attached ordinance).

The conditions being requested for release read as follows:

1. First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.
2. Prior to the issuance of any building permits, a subdivision plat must be filed of record. As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montnana Avenue interchange.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of releasing Condition No. 1 in its entirety and releasing the second sentence of Condition No. 2 attached to Ordinance No. 8850, dated November 11, 1986 for the subject property.

**PLANNING DIVISION RECOMMENDATION**

Recommend **APPROVAL** of releasing Condition No. 1 in its entirety and releasing the second sentence of Condition No. 2 attached to Ordinance No. 8850, dated November 11, 1986 for the subject property.

Condition No. 1 has been satisfied. The requirement for the dedication of a sixty (60) foot wide street to be dedicated from George Dieter Drive to the westernmost boundary of the property under Condition No. 2 was imposed at the time to provide for the future connection of Kachina Drive to George Dieter Drive. Kachina Drive is a residential street located within the subdivision to the west of this property. It has been determined by staff that this connection is no longer needed and is not wanted by the residents within that subdivision. Also, under Condition No. 2 the requirement of the seventy-five (75) foot turning radius at the intersection of George Dieter Drive and Montana Avenue has been satisfied.

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

All applications for zoning condition release shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

**Development Services Department - Building Permits and Inspections Division**

Zoning: No objections to release of conditions.

**Engineering Department - Traffic Division**

No Objection to release of zoning condition no. 1

No objection to release of condition no. 2, only if the property is platted as a unified development with the adjacent property.

**Street Department**

No objections.

**Fire Department**

No comments received.

**El Paso Water Utilities**

No objections.

**CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release application:

- 1. Recommend approval of the application finding that the zoning condition release 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 zoning condition release 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.

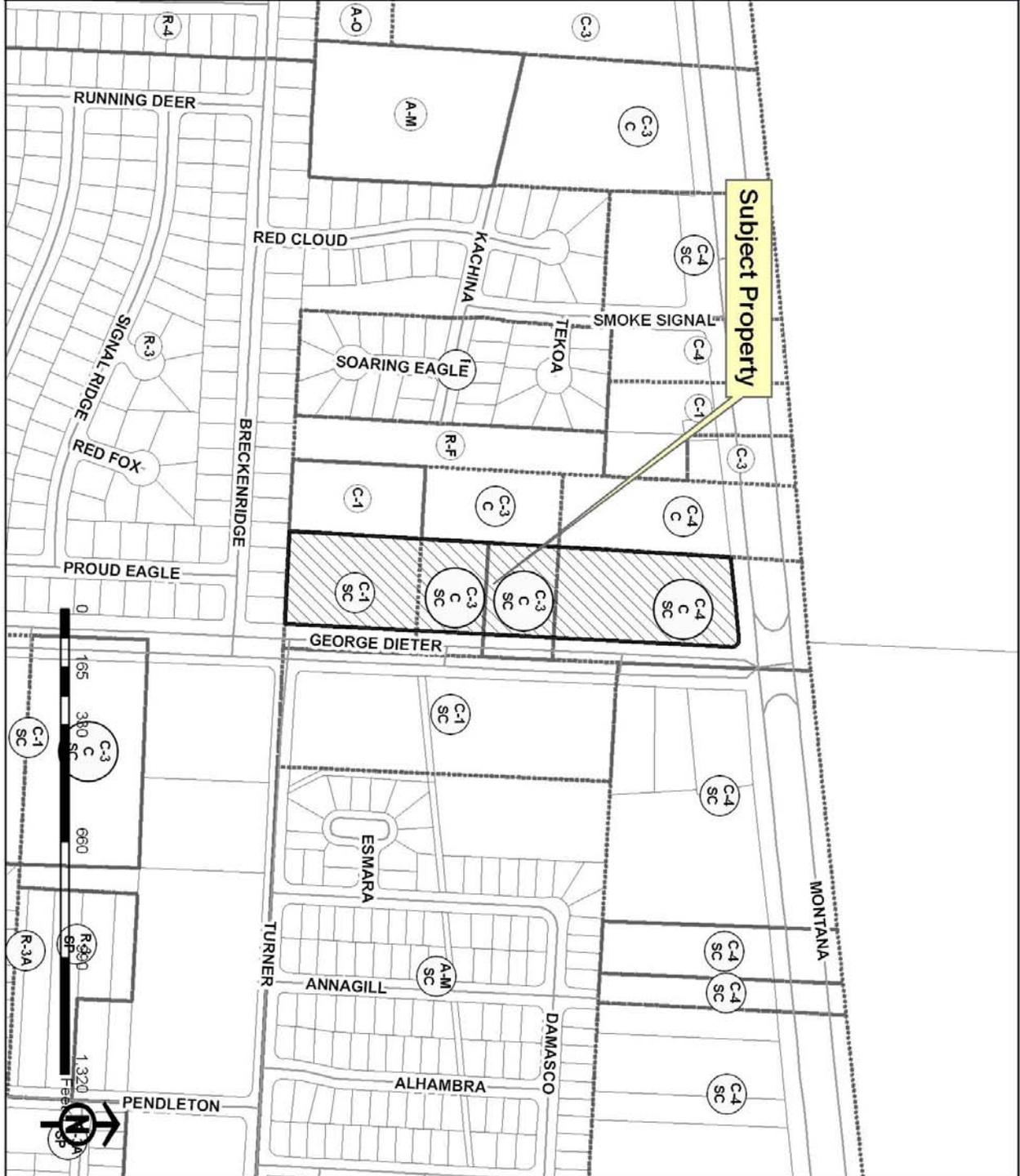
3. Deny the application finding that the zoning condition release does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 8850

ATTACHMENT 1: ZONING MAP

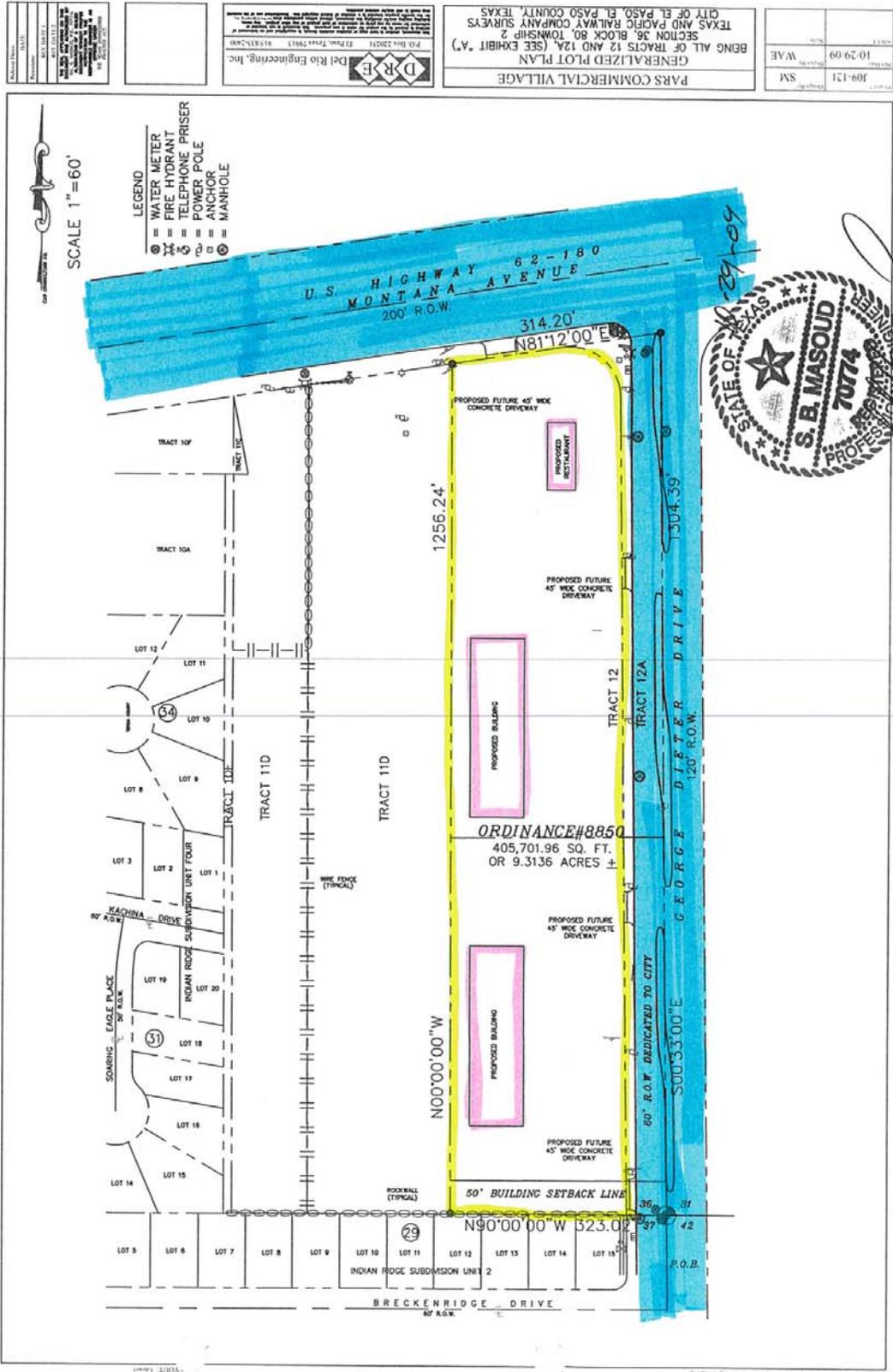
# ZON09-00079



# ZON09-00079



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE NO. 8850

008850

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 12, SECTION 36, BLOCK 80, TSP 2, T&PRR CO. SURVEY, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 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 12, Section 36, Block 80, Tsp. 2, T&PRR Co. Survey, as more particularly described by metes and bounds in the attached Exhibits "A" and "B," be changed from R-3 (Residential) to C-1 (Commercial) (Parcel 1 - 4.09± acres) and C-3 (Parcel 2 - 5.22± acres) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 11<sup>th</sup> day of NOVEMBER, 1986.

*Jonathan W. Ryan*  
Mayor

ATTEST:  
*Carole Hunter*  
City Clerk

APPROVED AS TO FORM:  
*William B. ...*  
Assistant City Attorney

APPROVED AS TO CONTENT:  
*Ray ...*  
Planning Department

I certify that the zoning map has been revised to reflect the amendment of Ordinance # 8850  
*Romya ...*

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: C.D.  
4-9-87 COUNTER  
4-9-87 ORIGINAL  
4-9-87 *Billy ...*  
4-9-87 CONTROL *Romya ...*

Contract 11/11/86.

008850

86-5208  
RECEIVED  
FEB 20 1987  
PLANNING DEPARTMENT

RESOLUTION

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

That the Mayor be authorized to sign a contract with WELLS-BELEW TRUST placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008850, which is more particularly described as a portion of Tract 12, Section 36, Block 80, Tsp. 2, T&PRR Co. Survey (11280 Montana Avenue).

ADOPTED this 11<sup>th</sup> day of NOVEMBER, 1986.

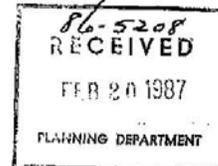
*Jonathan W. Rogers*  
Mayor

ATTEST:

*Carole Hunter*  
City Clerk

APPROVED AS TO FORM:

*John B. ...*  
Assistant City Attorney



THE STATE OF TEXAS )  
COUNTY OF EL PASO )

CONTRACT

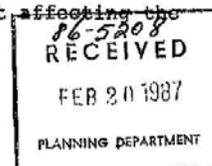
THIS CONTRACT, made this 11<sup>th</sup> day of NOVEMBER, 1986, by and between WELLS-BELEW TRUST, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Tract 12, Section 36, Block 80, Tsp. 2, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "A" and "B," which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-3 (Residential) to C-1 (Commercial) (Parcel 1 - 4.09± acres) and C-3 (Parcel 2 - 5.22± acres) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.
2. Prior to the issuance of any building permits, a subdivision plat must be filed of record. As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montana Avenue interchange.
3. No building(s) can be constructed closer than fifty (50) feet to the southern boundary line of Parcel 1.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the



validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

STATE OF TEXAS  
COUNTY OF EL PASO

WELLS-BELEW TRUST  
FIRST PARTY

Sworn to before me this 3rd day of February  
1987 A.D.

By Sharon M. Rogers  
Title Trustee

Gloria S. Lopez  
Notary Public

GLORIA S. LOPEZ Title  
Notary Public State of Texas  
My Commission Expires 2-26-87

ATTEST:

\_\_\_\_\_  
Secretary

THE CITY OF EL PASO  
SECOND PARTY

By [Signature]  
Mayor

ATTEST:

Carole Hunter  
City Clerk

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

[Signature]  
Planning Department

[Signature]  
Assistant City Attorney

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 1986, by \_\_\_\_\_ on behalf of WELLS-BELEW TRUST.

My Commission Expires: \_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 13<sup>th</sup> day of NOVEMBER, 1986, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

My Commission Expires: 04-30-88

Sharon Rodgers  
Notary Public, State of Texas

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