

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

DEPARTMENT: Development Services - Planning Division
AGENDA DATE: Introduction 02/20/07; Public Hearing 03/13/07
CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720
DISTRICT(S) AFFECTED: # 2

SUBJECT:

An Ordinance changing the zoning of Parcel 1: Lot 2, Block 1, Kingsley Subdivision, City of El Paso, El Paso County, Texas, from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) and imposing a condition; and Parcel 2: Tracts 5B and 5C, Section 9, Block 81, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas from C-1/sc/sp (Commercial/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code.

Subject Property: Hondo Pass Drive and Ankerson Street. Applicant: Haysland, Inc., ZON06-00140 (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) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY CLERK DEPT
07 FEB -9 PM

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOT 2, BLOCK 1, KINGSLEY SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION; AND PARCEL 2: TRACTS 5B AND 5C, SECTION 9, BLOCK 81, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC/SP (COMMERCIAL/SPECIAL CONTRACT/SPECIAL PERMIT) TO C-3/SC/SP (COMMERCIAL/SPECIAL CONTRACT/SPECIAL PERMIT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: Lot 2, Block 1, Kingsley Subdivision, City of El Paso, El Paso County, Texas, be changed from **C-1/sc (Commercial/special contract)** to **C-3/sc/c (Commercial/special contract/condition)**; further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of the city:

That a 15' landscape buffer with 10' on center high profile trees be placed along the southerly portion of the property abutting the residential zoning district, prior to issuance of a certificate of occupancy.

Parcel 2: Tracts 5B and 5C, Section 9, Block 81, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, as more particularly described in the attached Exhibit "A", be changed from **C-1/sc/sp (Commercial/special contract/special permit)** to **C-3/sc/sp/c (Commercial/special contract/special permit/condition)** further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of the city:

That a 15' landscape buffer with 10' on center high profile trees be placed along the southerly portion of the property abutting the residential zoning district, prior to issuance of a certificate of occupancy.

(Signatures on following page)

PASSED AND APPROVED this _____ day of _____, 2007.

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

Kimberly Forsyth, Senior Planner
Development Services Department

07 FEB -9 PM 4:13

Doc#27166/Planning/Ord/Zon06-00140/HMCG. CITY CLERK DEPT.

ORDINANCE NO. _____

Zoning Case No. ZON06-00140

Tracts 5B and 5C, Section 9
Block 81, Township 2
Texas and Pacific Railroad Surveys
El Paso, Texas

Beginning at a point on the southerly right-of-way line of Hondo Pass Drive; point being located South 01°-11'-00" East a distance of 42.00 feet then South 88°-49'-00" West a distance of 30.00 feet from a city monument located at the intersection of the centerlines of Hondo Pass Drive and Ankerson Street, City of El Paso, El Paso County, Texas:

Thence South 01°-11'-00" East a distance of 250.00 feet:

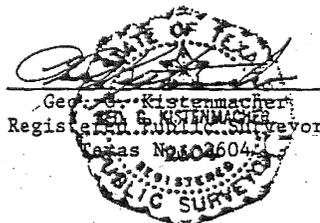
Thence South 88°-49'-00" West a distance of 261.52 feet:

Thence North 01°-11'-00" West a distance of 250.00 feet:

Thence North 88°-49'-00" East a distance of 261.52 feet to the point of beginning.

Described parcel lies within Section 9, Block 81, Township 2, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas and contains 65,380.00 square feet equal to 1.501 acres.

CITY CLERK DEPT.
07 FEB - 9 PM 4:13



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CB
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
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

February 9, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00140

The City Plan Commission (CPC), on December 7, 2006, voted **(6-0)** to recommend **approval** of the rezoning from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) on Parcel 1; and from C-1/sc/sp (Commercial/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit) on Parcel 2, in order to permit a hotel and self-service carwash on the subject property and imposing a condition on both parcels as follows: "that a 15' landscape buffer with 10' on center high profile trees be placed along the southerly portion of the property abutting the residential zoning district, prior to issuance of a certificate of occupancy", concurring with staff's recommendation. (See attached ordinances and contracts 15637, 9316 and 8780 for contracts and conditions that currently exist on the subject property).

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for mixed-use land uses. The CPC also determined that this rezoning protects the best interest, health, safety, and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one person present at the meeting opposing this rezoning request.

STAFF REPORT

Rezoning Case: ZON06-00140

Property Owner(s): Haysland, Inc.

Representative(s): Ray Mancera

Legal Description: Parcel 1: Lot 2, Block 1, Kingsley Subdivision, City of El Paso, El Paso County, Texas
Parcel 2: Tracts 5B and 5C, Section 9, Block 81, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas

Location: Hondo Pass Drive and Ankerson Street

Representative District: # 2

Area: Parcel 1: 2.451 Acres
Parcel 2: 1.486 Acres

Present Zoning: Parcel 1: C-1/sc (Commercial/special contract)
Parcel 2: C-1/sc/sp (Commercial/special contract/special permit)

Present Use: Vacant

Proposed Zoning: Parcel 1: C-3/sc (Commercial/special contract)
Parcel 2: C-3/sc/sp (Commercial/special contract/special permit)

Proposed Use: Parcel 1: Hotel and Carwash
Parcel 2: Hotel

Recognized Neighborhood Associations Contacted: Northeast Healthy Communities
Northeast Civic Association

Surrounding Land Uses:

North -	R-4 (Residential) / National Guard Reserve
South -	R-5 (Residential) / Single-family Residential
East -	R-5 (Residential) / Single-family Residential
West-	C-3/sc (Commercial/special contract) / Convenience Store

Year 2025 Designation: **Mixed-Use** (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, DECEMBER 7, 2006,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00140

GENERAL INFORMATION:

The applicant is requesting a rezoning from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) on Parcel 1 and from C-1/sc/sp (Commercial/special contract/special permit) to C-3/sc/sp (Commercial/special contract/special permit) on Parcel 2 in order to permit the hotel and a self-service carwash. Access is proposed via Hondo Pass Drive and a common driveway off of Gateway Boulevard North. There is currently a zoning condition imposed on Parcel 1 and the same condition imposed on Parcel 2 including a special permit. (See attached ordinances and contracts 15637, 9316 and 8780)

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has received one call in opposition to this application.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **approval** of this request for rezoning with the following condition:

That a 15' landscape buffer with 10' on center high profile trees be placed along the southerly portion of the property abutting the residential zoning district.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “develop a balanced and complete community which contains a mix of land uses”; and “provide a pattern of commercial which best serves community needs and which complements and serves all other land uses.”

The Year 2025 Projected General Land Use Map for the Northeast Planning Area designates this property for **Mixed-Use**.

The Commission must determine the following:

- A. Will rezoning protect the best interest, health, safety and welfare of the public in general?
- B. Will the proposed rezoning be compatible with adjacent land uses?
- C. What is the relation of the proposed rezoning change to the City’s Comprehensive Plan?
- D. What effects will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

INFORMATION TO THE APPLICANT:

Development Services Department - Planning Division Notes:

The Year 2025 Projected General Land Use Map for the Northeast Planning Area designates this property Mixed-Use.

Development Services Department - Building Permits Division Notes:

Zoning Review:

Hotel and carwash permitted on proposed C-3 commercial district. Need to provide building height elevations to determine compliance with setback requirements. Break down number of sleeping rooms or suites to calculate parking spaces required. A 6 ft. masonry screening wall along property lines abutting R-5 residential district will need to be provided.

Landscape Review:

Landscape required for this project. No landscape calculations provided to show this project will meet code.

Development Services Department - Subdivision Plan Review Notes:

No objections.

Engineering Department - Traffic Division Notes:

No major traffic issues with the proposed zoning change.

Fire Department Notes:

No comments received.

El Paso Water Utilities Notes:

Water

- A. There is an existing 8-inch diameter water main along Hondo Pass Drive. Also, there is an existing 6-inch diameter water main along Ankerson Street.
- B. Private water pressure regulating devices and backflow prevention assemblies will be required at the discharge side of each water meter. The owner shall be responsible for the operation and maintenance of the above-described water pressure regulating devices and backflow prevention assemblies.
- C. In the event that the City of El Paso Fire Department requires additional fire hydrants or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate, and construct water mains and appurtenances to provide this service.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main along Hondo Pass and Ankerson Drive fronting the subject property

General

- A. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading and drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner 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.
- B. Additionally, please provide the projected water and sewer demands for the proposed Hotel.

EPWU does not object to this request

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION (915) 541-4056.

Special permit
parcel 2 87L

ORDINANCE NO. 15637

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON03-00040, TO ALLOW FOR A CHURCH ON A SITE OF LESS THAN THREE ACRES ON TRACTS 5B AND 5C, BLOCK 81, SECTION 9, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (SOUTHWEST CORNER OF ANKERSON DRIVE AND HONDO PASS DRIVE) PURSUANT TO SECTION 20.36.040.E (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, El Paso Central Baptist Church has applied for a Special Permit under Section 20.36.040.E of the El Paso Municipal Code, to allow for a church on a site of less than three acres; and

WHEREAS, a report was made to 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;

WHEREAS, the City Council of the City of El Paso finds that, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D of the El Paso Municipal Code;

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

1. That the property described as follows is in a C-1/sc (Commercial/special contract) District:

Tracts 5B and 5C, Block 81, Section 9, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached Exhibit "A"; and

2. That a church on a site of less than three acres is authorized by Special Permit in the C-1/sc (Commercial/special contract) District under Section 20.36.040.E of the El Paso Municipal Code; and

ORDINANCE NO. 15637

1.

11/20/2003
Special Permit No. ZON03-00040

3. That the requirements for a church on a site of less than three acres under Section 20.36.040.E have been satisfied; and

4. That the City Council hereby grants a Special Permit under Section 20.36.040.E of the El Paso Municipal Code, to allow a church on a site of less than three acres on the above-described property; and

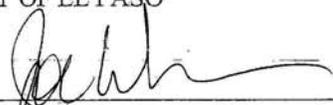
5. That this Special Permit is issued subject to the development standards in the C-1/sc (Commercial/special contract) District regulations and subject to the approved Detailed Site Development Plan, signed by the Applicant, the Mayor and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; 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 of the City Plan Commission before building permits are issued; and

7. That if the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON03-00040** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases.

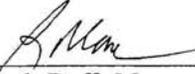
PASSED AND APPROVED this 16th day of **December, 2003**.

THE CITY OF EL PASO



Joe Wardy, Mayor

ATTEST:

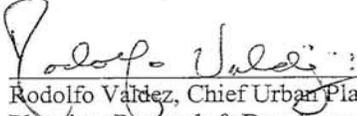


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

ORDINANCE NO. _____

15637

2

11/20/2003

Special Permit No. ZON03-00040

AGREEMENT

El Paso Central Baptist Church, the Applicant referred to in the above Ordinance, hereby agree to develop the above-described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards identified in the C-1/sc (Commercial/special contract) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 17th day of November, 2003.

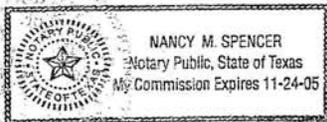
By: William K Spock
TRUSTEE / DEACON
(name/title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 17th day of November, 2003, by William K Spock as trustee, on behalf of El Paso Central Baptist Church, as Applicant.

My Commission Expires:



Nancy M Spencer
Notary Public, State of Texas
Notary's Printed or Typed Name:
Nancy M Spencer

ORDINANCE NO. 15637

009316

AN ORDINANCE CHANGING THE ZONING OF TRACT 1, SECTION 9, BLOCK 81, TSP. 1, T&P RR. COMPANY SURVEYS, 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 Tract 1, Section 9, Block 81, Tsp. 1, T&P RR. Company Surveys, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from A-2 (Apartment) to C-1 and C-3 (Commercial) within the meaning of the zoning ordinance of the City of El Paso, 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 15th day of March, 1988. [Signature] Mayor

ATTEST: [Signature] Carol Hunter City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: RR 5-5-88 COUNTER 5-5-88 ORIGINAL 5-5-88 Blg. Inspection 5-5-88 CONTROL [Signature]

APPROVED AS TO FORM: [Signature] Assistant City Attorney

APPROVED AS TO CONTENT: [Signature] Department of Planning, Research and Development

ZNG5:5349.88

I certify that the zoning map has been revised to reflect the amendment of ordinance #9316 by [Signature] Date 5-5-88

RECEIVED MAR 29 1988 PLANNING DEPARTMENT

009316

Phs

PROPERTY DESCRIPTION
PARCEL C-3 ZONE

Description of a 2.1019 acre parcel of land being a portion of tract 1, Section 9, Block 81, Township 2, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Starting at a city monument located at the intersection of Hondo Pass Avenue and Ankorson Street, thence South 89°49'00" West along the centerline of Hondo Pass Avenue a distance of 581.52 feet to a point, thence South 01°11'00" East a distance of 42.00 feet to a point on the Southerly right-of-way line of Hondo Pass Avenue said point being the "True Point of Beginning"

Thence South 01°11'00" East a distance of 270.00 feet to a point;

Thence South 88°49'00" West a distance of 353.90 feet to a set 5/8" Ø rebar lying on the Easterly right-of-way line of Gateway North;

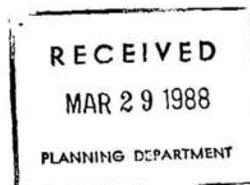
Thence North 01°11'00" West along said Easterly right-of-way line a distance of 171.60 feet to a set 5/8" Ø rebar;

Thence North 39°27'01" East a distance of 130.48 feet to a said 5/8" Ø rebar lying on the Southerly right-of-way line of Hondo Pass Avenue;

Thence North 88°49'00" East along said Southerly right-of-way a distance of 268.91 feet to the "True Point of Beginning" and said parcel containing 41,558.84 square feet or 2.1019 acres of land more or less.

PARCEL 1

EXHIBIT "A"



PROPERTY DESCRIPTION
PARCEL C-1 ZONE

Description of a 1.8015 acre parcel of land being a portion of tract 1, Section 9, Block 81, Township 2, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit;

Starting at a city monument located at the intersection of Hondo Pass Avenue and Ankerson Street, thence South 88°49'00" West along the centerline of Hondo Pass Avenue a distance of 291.52 feet to a point, thence South 01°11'00" East a distance of 42.00 feet to a set 5/8" ϕ rebar lying on the Southerly right-of-way line of Hondo Pass Avenue said rebar being the "True Point of Beginning"

Thence South 01°11'00" East a distance of 270.00 feet to a set 5/8" ϕ rebar;

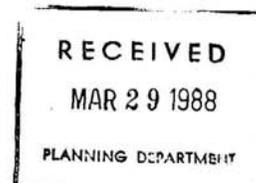
Thence South 88°49'00" West a distance of 290.00 feet to a point;

Thence North 01°11'00" West a distance of 270.00 feet to a point lying on the Southerly right-of-way line of Hondo Pass Avenue;

Thence North 88°49'00" East along said Southerly right-of-way a distance of 290.00 feet to the "True Point of Beginning" and said parcel containing 74,474.00 square feet or 1.8015 acres of land more or less.

PARCEL 2

EXHIBIT 'A'



THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

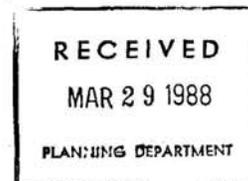
CONTRACT

THIS CONTRACT made this 15th day of March,
1988, by and between THOMAS R. KINGSLEY (as Trustee for the
Kingsley Family Trust), First Party, and the CITY OF EL PASO,
Second Party, witnesseth:

Application has been made to the City of El Paso for the
rezoning of Tract 1, Section 9, Block 81, Tsp. 1, T&P RR. Co.
Surveys, City and County of El Paso, Texas, which is more
particularly described by metes and bounds in the attached
Exhibit "A" 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 A-2 (Apartment) to C-1 and C-3
(Commercial) 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. No building shall be located closer than
twenty feet (20') to the south property line.
2. Prior to being issued a certificate of
occupancy, the property owner must landscape
the area between the curb and sidewalk along
both Hondo Pass Drive and Gateway Blvd.
North, where they abut the subject property.
If the property is developed in phases, each
phase shall comply with this requirement.
3. The property shall not be used for a bar, an
adult book store, adult motion picture
theatre, nude live entertainment club or
amusement game complex.

Ord. # 9316
3-15-88



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:

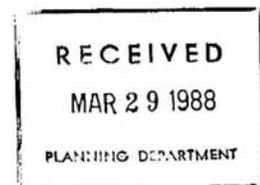
FIRST PARTY:
THOMAS R. KINGSLEY, Trustee for
the Kingsley Family Trust

Thomas R. Kingsley

SECOND PARTY:
THE CITY OF EL PASO

By *[Signature]*
_____ Mayor

SIGNATURES CONTINUED ON NEXT PAGE



RESOLUTION

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

That the Mayor be authorized to sign a contract between THE CITY OF EL PASO and THOMAS R. KINGSLEY, as Trustee for the Kingsley Family Trust, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. **009316**, more particularly described as Tract 1, Section 9, Block 81, Tsp. 1, T&P RR. Company Surveys.

ADOPTED this 15th day of March, 1988.

Jonathan W. Rojas

Mayor

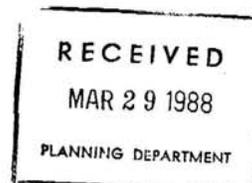
ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

C. Antonio
Assistant City Attorney

ZNG5:5349.88



THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT AMENDMENT

This Contract Amendment is made this 31st day of May, 1988, by and between TM&S OIL COMPANY, H.K. SUMMERFORD (President), Successor in Interest to THOMAS R. KINGSLEY, First Party, and the CITY OF EL PASO, Second Party.

WHEREAS, on March 15, 1988, the City of El Paso and Thomas R. Kingsley entered into a contract placing certain conditions on the property at Tract 1, Block 9, Section 81, Tsp. 1, T&P RR. Co. Surveys; and

WHEREAS, TM&S Oil Company has purchased a portion of that property which is described more particularly in Exhibit "A" attached hereto and incorporated herein by reference for all purposes; and

WHEREAS, TM&S Oil Company desires to landscape the portion of the property rezoned in Ordinance No. 9316, which is described in Exhibit "A";

NOW, THEREFORE, the parties hereto agree as follows:

1. That Condition No. 2 of the Contract dated March 15, 1988 shall be amended to read as follows:
 2. Prior to being issued a certificate of occupancy, the property owner must landscape the area between the curb and sidewalk along both Hondo Pass Drive and Gateway Blvd. North, where it abuts the subject property. If the property is developed in phases, each phase shall comply with this requirement.

#88-5349
Ord. 9316 (3-15-88)
Contract (3-15-88)

RECEIVED

MAY 31 1988
CITY OF EL PASO
PLANNING DEPARTMENT

For the portion of Lot 1, Block 1, Kingsley Subdivision, which is located at 9050 Gateway North, and more particularly described in Exhibit "A", the property owner, prior to the issuance of a certificate of occupancy, shall submit an application for a special privilege to landscape the property in accordance with the landscape plan attached hereto and incorporated herein by reference for all purposes as Exhibit "A". This landscaping shall be completed within 120 days of the issuance of the certificate of occupancy. In addition, the property owner must construct five foot (5') wide concrete sidewalks adjacent to Gateway Boulevard North and Hondo Pass prior to the expiration of the same 120 day period.

2. Except as herein amended, the Contract dated March 15, 1988 shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

Exec. Vice President Richard F. Carlton
TM&S OIL COMPANY, H.K. SUMMERFORD,
By Richard F. Carlton
Title Exec. Vice Pres.

ATTEST:

Secretary

THE CITY OF EL PASO:

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

SIGNATURES CONTINUED ON NEXT PAGE

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PLANNING DEPARTMENT
LAND DEVELOPMENT

Parcel 2

008780

AN ORDINANCE CHANGING THE ZONING OF TRACT 5B AND 5C, SECTION 9, BLOCK 81, TSP. 2, T&PRR CO. SURVEYS, 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 Tract 5B and 5C, Section 9, Block 81, Tsp. 2, T&PRR Co. Surveys, as more particularly described by metes and bounds in the attached Exhibit "A," be changed from A-2 (Apartment) to C-1 (Commercial) 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 16th day of September 1986.

Jonathan W. Ryan
Mayor

ATTEST:
Carol Hunter
City Clerk

APPROVED AS TO FORM:
Robert B. ...
Assistant City Attorney

APPROVED AS TO CONTENT:
Ray ...
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: L.D.
10-20-86 COUNTER
10-20-86 ORIGINAL
10-20-86 Blad. Inspection
10-24-86 CONTROL
R. ...

86-5187
OCT 7 1986
DEPARTMENT OF PLANNING

I certify that the zoning map has been revised to reflect the amendment of ordinance # 8780
R. ... Date 11-20-86

Contract 9-16-86 008780

Tracts 5B and 5C, Section 9
Block 81, Township 2
Texas and Pacific Railroad Surveys
El Paso, Texas
July 11, 1986

Beginning at a point on the southerly right-of-way line of Hondo Pass Drive; point being located South 01°-11'-00" East a distance of 42.00 feet then South 88°-49'-00" West a distance of 30.00 feet from a city monument located at the intersection of the centerlines of Hondo Pass Drive and Ankersen Street, City of El Paso, El Paso County, Texas:

- Thence South 01°-11'-00" East a distance of 250.00 feet:
- Thence South 88°-49'-00" West a distance of 261.52 feet:
- Thence North 01°-11'-00" West a distance of 250.00 feet:
- Thence North 88°-49'-00" East a distance of 261.52 feet to the point of beginning.

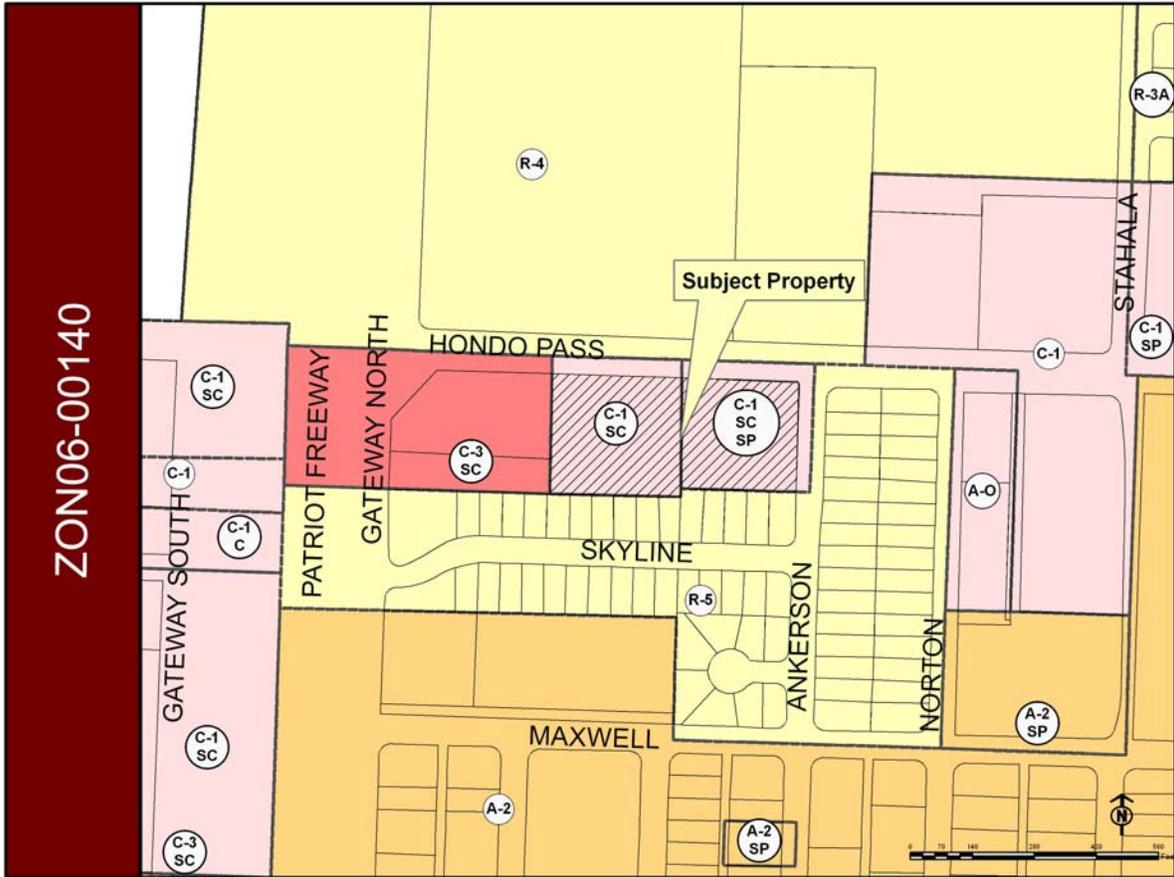
Described parcel lies within Section 9, Block 81, Township 2, Texas and Pacific Railroad Surveys, El Paso, El Paso County, Texas and contains 65,380.00 square feet equal to 1.501 acres.



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JUL 15 1986
PLANNING DEPARTMENT

86-5187

LOCATION MAP



AERIAL



