



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

**AN ORDINANCE AMENDING ORDINANCE NO. 014543 WHICH CHANGED THE ZONING AND IMPOSED CONDITIONS ON TRACT 6, S.A. & M.G. RAILROAD COMPANY SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND REPEALING ORDINANCE NO. 16684 WHICH AMENDED AND RELEASED CERTAIN CONDITIONS PLACED ON A PORTION OF TRACT 6 AND EDGAR ROAD RIGHT-OF-WAY, S.A. & M.G. RAILROAD COMPANY SURVEY 266, 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**, on January 11, 2000, the El Paso City Council held a public hearing and approved Ordinance No. 014543, which rezoned the property to C-1 (Commercial) and M-1 (Light Manufacturing), and imposed zoning conditions on Tract 6, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas; and,

**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 El Paso City Council on July 17, 2007, held a public hearing and approved Ordinance No. 16684, which amended and released certain conditions placed on a portion of Tract 6 and Edgar Road Right-of-Way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas; and,

**WHEREAS**, the property owner is requesting the removal of all conditions placed on the property by Ordinance No. 16684 and is requesting to amend and release certain conditions placed on the property by Ordinance No. 014543; and,

**WHEREAS**, a public hearing regarding the release of the conditions imposed by Ordinance No. 16684 and the amendment and release of conditions imposed by Ordinance No. 014543 was held before the City Plan Commission. The Commission has determined that the conditions imposed by Ordinance No. 16684 are no longer necessary and should be released, and determined that Ordinance No. 014543 should be amended; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the conditions imposed Ordinance No. 16684 are no longer necessary and should be released and that Ordinance No. 014543 should be amended and that such amendments are necessary to 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:**

1. That Ordinance No. 16684, dated July 17, 2007, which amended Ordinance No. 014543 which rezoned and imposed zoning conditions on a portion of Tract 6 and Edgar Road Right-of-Way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas, is hereby repealed.

2. That Ordinance No. 014543, which rezoned, and imposed zoning conditions, on Tract 6, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas dated January 11, 2000, be amended as follows:

a. That the following conditions be released in their entirety because the conditions are no longer necessary:

(2) Access from and onto the rezoned M-1 (Light Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard.

(3) If the property owner requests amendment of these conditions to release Restriction No. 2 above to allow access to the property from either Edgar Road or Montoya Lane, such release will require resubmittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards; and

b. That condition 4 be amended to read as follows:

*A detailed site development plan be approved per the El Paso City code prior to the issuance of building permits and certificates of occupancy.*

3. Except as herein amended, Ordinance No. 014543 dated January 11, 2000, shall remain in full force and effect.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**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 Tract 6, S.A. & M.G. Survey No. 266,  
City Of El Paso, El Paso County, Texas  
Prepared for: Quantum Engineering  
April 2, 2009

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 6, S.A & M.G. Survey No. 266, 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 corner of W.H Lennox Survey No. 432, S.A. & M.G. Survey No. 265 and 266, Thence along the common line of S.A. & M.G. Surveys no. 265 and 266, South 00°00'00" West a distance of 1804.38 feet; Thence leaving said line North 78°41'00" East a distance of 355.70 feet to a point; Thence North 69°07'00" East a distance of 130.70 feet to a point; Thence South 20°53'00" East a distance of 30.00 feet to a point on the southerly right of way line of Montoya Lane For THE "TRUE POINT OF BEGINNING"

Thence along said right of way line North 69°07'00" East a distance of 1682.20 feet to a point on the westerly right of way line of U.S. Interstate Highway No. 10;

Thence along said right of way line South 11°47'30" East a distance of 896.67 (897.12, Vol. 339, Pg. 390) to a point on the northerly right of way line of Edgar Road;

Thence along said right of way line South 85°30'00" West a distance of 560.80 feet (South 85°38'00" West-559.39 feet, Vol. 339, Pg. 390) to a point;

Thence along said right of way line South 55°39'00" West a distance of 821.07 feet to point;

Thence South 75°47'00" West a distance of 534.35 (535.99, Vol. 339, Pg. 390) feet to a point on the easterly line of Tract 6, S.A. & M.G. Survey No. 266;

Thence along said line North 00°00'00" East a distance of 916.61 (916.39, Vol. 339, Pg. 390) feet to the "TRUE POINT OF BEGINNING" and containing 34.08 Acres of land more or less.

NOTE: Description based on survey prepared by undersigned on January 3, 2000,

Bearings basis is per warranty deed recorded in Volume 339, Page 390, Real property records of El Paso County, Texas

  
Ron R. Conde  
R.P.L.S. No. 5152  
Job# 409-02



**EXHIBIT A**  
PG. 1 of 3

CONDE, INC. 4-2-09  
ENGINEERING / LAND SURVEYING / PLANNING  
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Property description: A 1.911-acre portion of Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, El Paso, El Paso County, Texas

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a 1.911-acre portion of Edgar Road right-of-way (60-foot right-of-way, June 15, 1953, Book 1124, Page 84, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

**COMMENCING** at a ½" rebar with cap marked "TX 1976" found at the intersection of the common boundary between Tracts 3A2 (January 11, 1988, Book 1905, Page 0996, Deed Records, El Paso County, Texas) and 3A3 (January 11, 1988, Book 1905, Page 1000, Deed Records, El Paso County, Texas), S.A. & M.G. Railroad Company Survey 266 and the northerly right-of-way of Montoya Lane (60-foot right-of-way, June 15, 1953, Book 1124, Page 84, Deed Records, El Paso County, Texas); Thence, North 69°07'00" East, along said right-of-way, a distance of 513.73 feet to a ½" rebar with cap marked "TX 1976 found on the common boundary between Tracts 3A1 (January 11, 1988, Book 1905, Page 1000, Deed Records, El Paso County, Texas) and 3A2, S.A. & M.G. Railroad Company Survey 266; Thence, North 69°07'00" East, continuing along said right-of-way, a distance of 617.12 feet to the westerly right-of-way of U.S. Interstate Highway No. 10 (March 22, 1957, Book 1335, Page 313, Deed Records, El Paso County, Texas); Thence, South 11°47'30" East, along said westerly right-of-way, a distance of 957.87 feet to the northerly right-of-way of Edgar Road and the **POINT OF BEGINNING** of this description;

**THENCE**, South 11°47'30" East, continuing along said westerly right-of-way, a distance of 60.49 feet to the southerly right-of-way of Edgar Road;

**THENCE**, South 85°30'00" West, along said right-of-way, a distance of 554.08 feet;

**THENCE**, South 55°39'00" West, continuing along said right-of-way, a distance of 815.73 feet;

**THENCE**, South 75°47'00" West, continuing along said right-of-way, a distance of 2.40 feet;

**THENCE**, North 14°13'00" West, a distance of 31.07 feet;

**THENCE**, South 55°39'00" West, a distance of 3.12 feet;

**THENCE**, South 75°47'00" West, a distance of 23.88 feet;

**THENCE**, North 14°13'00" West, a distance of 30.00 feet to the northerly right-of-way of Edgar Road;

**THENCE**, North 75°47'00" East, along said right-of-way, a distance of 18.55 feet;

**THENCE**, North 55°39'00" East, continuing along said right-of-way, a distance of 821.07 feet;

**THENCE**, North 85°30'00" East, continuing along said right-of-way, a distance of 562.40 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 1.911 acres (83,226 square feet) of land more or less.

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

ROBERT SEIPEL ASSOCIATES, INC.  
Professional Land Surveyors



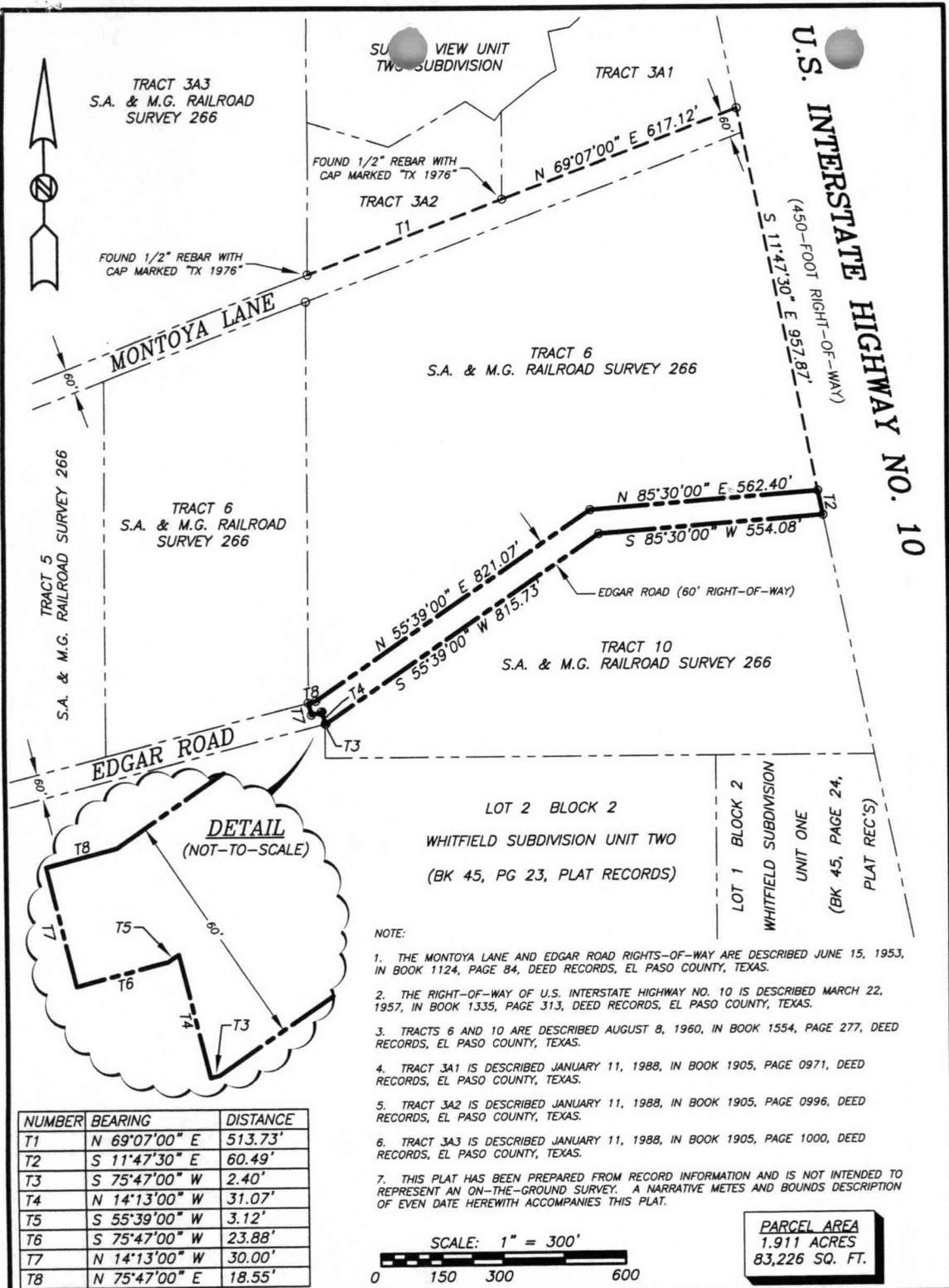
Robert R. Seipel, R.P.L.S.  
President  
Texas License No. 4178

Job Number 07-0005  
August 19, 2008

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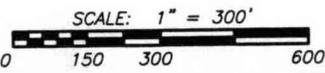
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**EXHIBIT A**  
PG. 2 of 3



NUMBER	BEARING	DISTANCE
T1	N 69°07'00" E	513.73'
T2	S 11°47'30" E	60.49'
T3	S 75°47'00" W	2.40'
T4	N 14°13'00" W	31.07'
T5	S 55°39'00" W	3.12'
T6	S 75°47'00" W	23.88'
T7	N 14°13'00" W	30.00'
T8	N 75°47'00" E	18.55'

- NOTE:
1. THE MONTOYA LANE AND EDGAR ROAD RIGHTS-OF-WAY ARE DESCRIBED JUNE 15, 1953, IN BOOK 1124, PAGE 84, DEED RECORDS, EL PASO COUNTY, TEXAS.
  2. THE RIGHT-OF-WAY OF U.S. INTERSTATE HIGHWAY NO. 10 IS DESCRIBED MARCH 22, 1957, IN BOOK 1335, PAGE 313, DEED RECORDS, EL PASO COUNTY, TEXAS.
  3. TRACTS 6 AND 10 ARE DESCRIBED AUGUST 8, 1960, IN BOOK 1554, PAGE 277, DEED RECORDS, EL PASO COUNTY, TEXAS.
  4. TRACT 3A1 IS DESCRIBED JANUARY 11, 1988, IN BOOK 1905, PAGE 0971, DEED RECORDS, EL PASO COUNTY, TEXAS.
  5. TRACT 3A2 IS DESCRIBED JANUARY 11, 1988, IN BOOK 1905, PAGE 0996, DEED RECORDS, EL PASO COUNTY, TEXAS.
  6. TRACT 3A3 IS DESCRIBED JANUARY 11, 1988, IN BOOK 1905, PAGE 1000, DEED RECORDS, EL PASO COUNTY, TEXAS.
  7. THIS PLAT HAS BEEN PREPARED FROM RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS PLAT.



PARCEL AREA  
1.911 ACRES  
83,226 SQ. FT.



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

**EXHIBIT A**  
 PG. 3 of 3

**EXHIBIT**

A 1.911-ACRE PORTION OF EDGAR ROAD  
 RIGHT-OF-WAY, S.A. & M.G. RAILROAD COMPANY  
 SURVEY 266, EL PASO, EL PASO COUNTY, TEXAS.

DATE:	08-19-07
SCALE:	1" = 300'
DRAWN BY:	RRS
CHECKED BY:	RRS
FIELD BOOK:	~
FILE #:	07-0005

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**MEMORANDUM**



**DATE:** April 24, 2009  
**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager  
**FROM:** Mirian Spencer, Planner  
**SUBJECT: ZON08-00100**

Mayor  
John F. Cook

City Council

*District 1*  
Ann Morgan Lilly

*District 2*  
Susannah M. Byrd

*District 3*  
Emma Acosta

*District 4*  
Melina Castro

*District 5*  
Rachel Quintana

*District 6*  
Eddie Holguin Jr.

*District 7*  
Steve Ortega

*District 8*  
Beto O'Rourke

City Manager  
Joyce A. Wilson

The City Plan Commission (CPC), on February 12, 2009, voted **5-0** to recommend **APPROVAL** of repealing Ordinance 16684 dated July 17, 2007 and amending Ordinance 14543 dated July 11, 2000 to delete conditions 2 and 3, and amend condition 4 to read "A detailed site development plan for approval as per the El Paso City Code prior to the issuance of building permits and certificates of occupancy."

The CPC found that the zoning condition amendment and release is in conformance with The Plan for El Paso. The CPC also found that the proposed use is compatible with adjacent land use. The amendments to release the two conditions attached to the property will permit vehicular access to the property from Montoya Lane without impacting the adjacent residential neighborhoods.

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

There was no public response to this rezoning application.

**Attachment:** Staff Report, Zoning Map, Aerial Map, Ordinance 014543 dated July 11, 2000, Ordinance 16684 dated July 17, 2007, Conceptual Site Plan

**Development Services Department**

Victor Q. Torres - Director

2 Civic Center Plaza - 5<sup>th</sup> Floor • El Paso, Texas 79901 • (915) 541-4622 • Fax  
(915) 541-4799



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

**Case No:** ZON08-00100  
**Application Type** Zoning Condition Amendment and Release  
**CPC Hearing Date** February 12, 2009  
**Staff Planner** Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

**Location** Desert Boulevard South at Montoya Lane and North of Coates Road  
**Legal Description** A portion of Tract Six and Edgar Road Right-of-Way, S.A. & M.G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas

**Acreage** 37.974 acres  
**Rep District** 1  
**Zoning** C-1/c (Commercial/conditions) and C-3/c (Commercial/conditions)  
**Existing Use** Vacant  
**Request** Repeal Ordinance 16684, dated July 17, 2007; Release Conditions 2 and 3 and amend condition 4 of Ordinance 14543, dated July 11, 2000  
**Proposed Use** Multi-family Apartments and Retail Shopping Center Development

**Property Owners** Prime Desert Properties, LLC  
**Representative** Quantum Engineering Consultants, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 (Residential) and C-3/c (Commercial/conditions) / Vacant  
**South:** M-1 (Light Manufacturing) / City of El Paso Drainage Dam  
**East:** M-1 (Light Manufacturing) / Distribution Center  
**West:** R-3 (Residential) / Single-family Residential

**THE PLAN FOR EL PASO DESIGNATION:** Residential and Industrial (Northwest Planning Area)

**NEAREST PARK:** Ruby Coates Park (1,121 Feet)

**NEAREST SCHOOL:** Hut Brown Middle School (2,392 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Texas Apache Nations, Inc, Montoya Heights Community Improvement Association, Coronado Neighborhood Association, Save the Valley, Upper Valley Neighborhood Improvement Association.

### **NEIGHBORHOOD INPUT**

Notice of the public meeting was mailed out to all property owners within 300 feet of the subject property on January 14, 2009. The Planning Division has received no public response to the rezoning request.

### **APPLICATION DESCRIPTION**

The property owners are requesting to repeal Ordinance 16684 that states:

- That zoning condition number 2, imposed by Ordinance No. 014543 dated July 11, 2000, requiring that access from and onto the rezoned M-1 (Light Industrial) parcel shall only be permitted from and onto South Desert Boulevard be released.
- That zoning condition number 3, imposed by Ordinance No. 014543 dated July 11, 2000, requiring that if the property owner request amendment of condition number 2 above to allow access to the property from either Edgar road or Montoya Lane, that such release will require re-submittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards, be amended to state that, "if the property is accessed from Edgar Road or Montoya Lane, the property owner will be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City standards."

- Except as herein amended, Ordinance No. 014543 dated July 11, 2000 shall remain in full force and effect.

The property owners are requesting to release the following conditions attached to Ordinance 14543:

- Access from and onto the rezoned M-1 (Light Manufacturing) parcel shall only be permitted from and onto Desert Boulevard South.
- If the property owner requests amendment of these conditions to release Restriction No. 2 above to allow access to the property from either Edgar Road or Montoya Lane, such release will require resubmittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards.

The zoning of the property changed from M-1/c (Light Manufacturing/conditions) to C-3/c (Commercial/conditions) by Ordinance 16883, dated July 17, 2007. The property owners are proposing vehicular access onto Montoya Road for the development of the site. The property owners will be required to pave their proportionate share of Montoya Road to city standards as Montoya Road is listed as an arterial on the Major Thoroughfare Plan. The property owners are working with EPWU-PSB to relocate a portion of the existing 48-inch water transmission main along Desert Boulevard South in order to construct Montoya Road in accordance with the Major Thoroughfare Plan. The property owners are proposing to vacate the portion of Edgar Road that is within the subject property.

The property owners are requesting to amend the following condition attached to Ordinance 14543:

- Submittal of a detailed site development plan for approval by the City Plan Commission and City Council Prior to the issuance of a building permit and certificate of occupancy.

The property owners are proposing to amend this condition to be in conformance with the current El Paso City Code requirements which no longer require detailed site development plans to be approved by City Council.

**DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:

DCC recommends **APPROVAL** of releasing Ordinance 16883 in its entirety. The DCC also recommends **APPROVAL** of releasing Conditions 2 and 3 of Ordinance 14543, and amending Condition 4 to read as follows:

- *A detailed site development plan be approved per the El Paso City Code prior to the issuance of building permits and certificates of occupancy.*

**PLANNING DIVISION RECOMMENDATION**

Planning recommends **APPROVAL** of releasing Ordinance 16883 in its entirety. Planning also recommends **APPROVAL** of releasing Conditions 2 and 3 of Ordinance 14543, and amending Condition 4 to read as follows:

- *A detailed site development plan be approved per the El Paso City Code prior to the issuance of building permits and certificates of occupancy.*

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

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

- 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.
- Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city’s neighborhoods.

- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character

The request is in conformance with The Plan for El Paso. The amendments to release the two conditions attached to the property will permit vehicular access to the property without impacting the adjacent residential neighborhoods.

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

No objection to the condition amendment and release.

Landscaping: Landscaping not required for replat, but will be required at the time of a detailed site development plan and/or at the time of a building permit.

**Development Services Department - Planning Division**

Current Planning: recommends **APPROVAL** of releasing Ordinance 16883 in its entirety. Planning also recommends **APPROVAL** of releasing Conditions 2 and 3 of Ordinance 14543, and amending Condition 4 to read as follows:

- *A detailed site development plan be approved per the El Paso City Code prior to the issuance of building permits and certificates of occupancy.*

Land Development: Site is **not** located within a Special Flood Hazard Area, Flood Zone C, Panel **480214 0021 D**  
The following will be required at the time of development:

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
2. Grading plan and permit will be required at the time of development.
3. Storm water pollution prevention plan and/or permit required at the time of development.
4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.
5. No water runoff allowed outside the proposed development boundaries, (On-site ponding required)
6. Coordinate grading and drainage with TxDOT.

**Engineering Department - Traffic Division**

Traffic has no objections to the amendment of conditions and the release of conditions provided that alternate roadway connections are constructed to Desert South Boulevard.

**Fire Department**

No opposition to the request at this time.

**El Paso Water Utilities**

EPWU does not object to this request.

On the Edgar Road vacation, a 25-foot wide PSB easement is required to be dedicated to accommodate an existing 12-inch diameter sewer main located along Edgar Road. This sewer main will remain in place and active to continue providing service to the public.

EPWU-PSB has been coordinating with the Owner/Developer for the relocation of a portion of the existing 48-inch water transmission main along Desert South Boulevard due to the proposed site improvement work. The Owner/Developer is responsible for all relocation/construction costs. A 350' x 20' Permanent PSB easement and a 350' x 30' Construction easement are required to accommodate the proposed water main relocation.

**CITY PLAN COMMISSION OPTIONS**

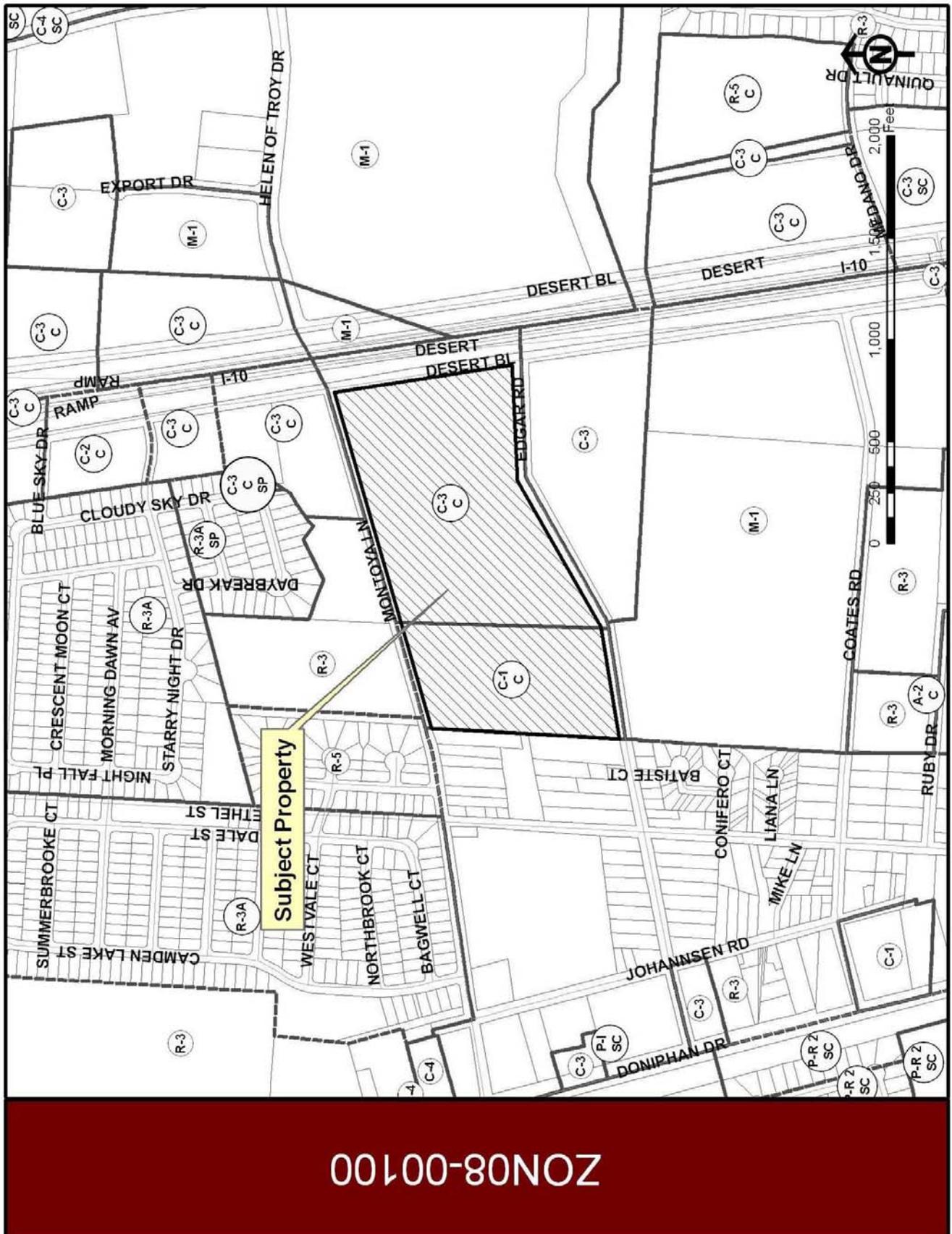
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the zoning condition release and zoning condition amendment application:

1. Recommend approval of the application finding that the zoning condition release and zoning condition amendment 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 and zoning condition amendment 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 and zoning condition amendment 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. Ordinance 14543
4. Ordinance 16684
5. Conceptual Site Plan

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ZON08-00100

ATTACHMENT 3: ORDINANCE 14543

ORDINANCE NO. 114543

AN ORDINANCE CHANGING THE ZONING OF TRACT 6, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (6000 BLOCK OF SOUTH DESERT BOULEVARD) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO M-1/C (LIGHT MANUFACTURING/CONDITIONS); AND PARCEL 2, FROM R-3 (RESIDENTIAL) TO C-1/C (COMMERCIAL/CONDITIONS); AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Tract 6, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibits "A" and "B", be changed, within the meaning of the zoning ordinance, as follows:

Parcel 1: from R-3 (Residential) to M-1/c (Light Manufacturing/conditions) (Exhibit "A")  
Parcel 2: from R-3 (Residential) to C-1/c (Commercial/conditions) (Exhibit "B").

and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to M-1/c (Light Manufacturing/conditions) and from R-3 (Residential) to C-1/c (Commercial/conditions), in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. The westerly 500 feet of *Tract 6, S. A. & M. G. SURVEY NO. 266* shall be rezoned to C-1 (Commercial).
2. Access from and onto the rezoned M-1 (Light Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard.
3. If the property owner requests amendment of these conditions to release Restriction No. 2 above to allow access to the property from either Edgar Road or Montoya Lane, such release will require resubmittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards.

CU/ELLAR:pmc#71276

ORDINANCE NO. 114543

1

6/7/00

Zoning Case No. ZC-00023

4. Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.

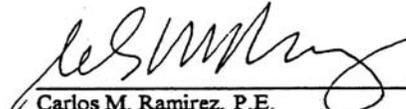
5. Construction of an eight-foot (8') high masonry screening wall along the westerly property line of *Tract 6, S. A. & M. G. SURVEY NO. 266* shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.

6. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the westerly property line of *Tract 6, S. A. & M. G. SURVEY NO. 266* shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso Municipal Code, Chapter 20.65.

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

PASSED AND APPROVED this 11<sup>th</sup> day of July, 2000.

THE CITY OF EL PASO

  
\_\_\_\_\_  
Carlos M. Ramirez, P.E.  
Mayor

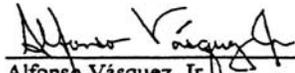
ATTEST:

  
\_\_\_\_\_  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Guadalupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Alfonso Vázquez, Jr.  
Dept. of Planning, Research & Development

CUELLAR-pmc#71276

ORDINANCE NO. 114543

2

Zoning Case No. ZC-00023

ATTACHMENT 4: ORDINANCE 16684

ORDINANCE NO. 016684 CITY CLERK DEPT.

07 JUN 15 AM 10:06

AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 014543 WHICH CHANGED THE ZONING OF A PORTION OF TRACT 6 AND EDGAR ROAD RIGHT-OF-WAY, S.A. & M.G. RAILROAD COMPANY SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS AND AMENDING A CONDITION PLACED ON THE PROPERTY BY ORDINANCE NO. 014543. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as a *portion of Tract 6 and Edgar Road right-of-way, S.A. & M. G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", was changed by Ordinance No. 014543, approved by City Council on July 11, 2000; and,

WHEREAS, rezoning was subject to zoning conditions requiring that access from and onto the rezoned M-1 (Light Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard, and that if the property owner requests amendment of these conditions to release the above restriction to allow access to the property from either Edgar Road or Montoya Lane, such release will require resubmittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards; and,

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

WHEREAS, the property is currently vacant and the applicant is proposing a commercial development on this parcel and the parcel to the south, by releasing the above conditions the applicant will be required to construct half of the width and full length of Montoya Drive that abuts their property as required by the Subdivision Ordinance, and Edgar Road will be fully constructed within this subdivision and will be vacated by plat; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of the above conditions on the above described vacant land; and,

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

WHEREAS, the City Council of the City of El Paso has determined that release of the above condition 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:**

1. That zoning condition number 2 imposed by Ordinance No. 014543 dated July 11, 2000 requiring that access from and onto the rezoned M-1 (Light

DocZON07-00030 Ord

ZONING CONDITION RELEASE ZON07-00030

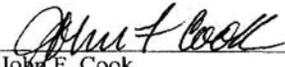
1

Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard be released.

2. That zoning condition number 3, imposed by Ordinance No. 014543 dated July 11, 2000, requiring that if the property owner requests amendment of condition number 2 above to allow access to the property from either Edgar Road or Montoya Lane, and that such release will require resubmittal of a new detailed site development plan, and that the property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards, be amended to state that "if the property is accessed from Edgar Road or Montoya Lane, the property owner will be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City standards."
3. Except as herein amended, Ordinance No. 014513 dated July 11, 2000 shall remain in full force and effect

PASSED AND APPROVED this 17<sup>th</sup> day of July, 2007.

THE CITY OF EL PASO

  
\_\_\_\_\_  
John F. Cook  
Mayor

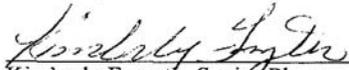
ATTEST:

  
\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Kimberly Forsyth, Senior Planner  
Development Services Department

016684

ATTACHMENT 5: CONCEPTUAL SITE PLAN

