

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 31, 2010
Public Hearing: September 21, 2010

CONTACT PERSON/PHONE: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of Parcel A – A 1.451 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone C-1/c, Parcel 5 in Ordinance 15672); Parcel B – 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone C-3/c Parcel 6 in Ordinance 15672); Parcel C – An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (Zone R-3A/c, Parcel 7 in Ordinance 15672) from C-1/c (Commercial/conditions, C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions) to A-O/c (Apartment-Office/conditions) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

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

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL A – A 1.451 ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS (ZONE C-1/C, PARCEL 5 IN ORDINANCE 15672); PARCEL B – A 2.158 ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS (ZONE C-3/C PARCEL 6 IN ORDINANCE 15672); PARCEL C – AN 11.283-ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS (ZONE R-3A/C, PARCEL 7 IN ORDINANCE 15672) FROM C-1/C (COMMERCIAL/CONDITIONS, C-3/C (COMMERCIAL/CONDITIONS) AND R-3A/C (RESIDENTIAL/CONDITIONS) TO A-O/C (APARTMENT-OFFICE/CONDITIONS) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 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 *Parcel A – A 1.451 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone C-1/c, Parcel 5 in Ordinance 15672); Parcel B – A 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone C-3/c, Parcel 6 in Ordinance 15672); Parcel C – An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone R-3A/c, Parcel 7 in Ordinance 15672)*, and as more particularly described by metes and bounds on the attached Exhibit “A”, incorporated by reference, be changed from **C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions)** to **A-O/c Apartment-Office/conditions**), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are 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 this City:

1) that self-storage warehouses shall be prohibited; 2) that a six (6) foot wide sidewalk with a four (4) foot wide parkway shall be provided abutting any residential street and as applicable by Title 19 of the El Paso City Code; and, 3) that all property abutting any residential streets shall include landscaping consisting of high profile columnar trees of at least three inch (3") caliper and ten feet (10') in height (also known as ball or vase shaped trees, not palms) placed at twenty feet (20') on center. The landscaped buffer shall be in addition to the landscape

ORDINANCE NO. _____

Zoning Case No: ZON10-00048

requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any building permits.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

ATTEST:

Richarda Duffy Momsen
City Clerk

John F. Cook
Mayor

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Development Services Department
Planning Division

ORDINANCE NO. _____

Zoning Case No: ZON10-00048

Property description: A 1.451-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 1.451-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the centerline P.I. of Northern Pass Drive (84-foot right-of-way, Cimarron Unit One, El Paso County Clerk's File No. 20070089227, El Paso County, Texas) opposite Lot 13, Block 6, Cimarron Unit One, from which a city monument at the westerly centerline intersection of Northern Pass Drive and Brays Landing Drive (52-foot right-of-way, Cimarron Unit One) bears North 83°10'50" West, a distance of 1747.64 feet; Thence, South 78°19'11" East, along the centerline of Northern Pass Drive, a distance of 485.79 feet; Thence, 208.18 feet continuing along said centerline and along the arc of a curve to the right, having a radius of 2225.00 feet, a central angle of 05°21'39", and a chord which bears South 75°38'21" East, a distance of 208.10 feet; Thence, South 17°02'28" West, a distance of 42.00 to the southerly right-of-way of Northern Pass Drive (84-foot right-of-way, Northern Pass Drive Extension Unit Two, El Paso County Clerk's File No. 20090035858, El Paso County, Texas); Thence, South 16°23'06" West, a distance of 121.17 feet; Thence, 156.13 feet along the arc of a curve to the right, having a radius of 525.00 feet, a central angle of 17°02'20", and a chord which bears South 24°54'16" West, a distance of 155.55 feet; Thence, South 33°25'26" West, a distance of 111.35 feet; Thence, 114.86 feet along the arc of a curve to the left, having a radius of 275.00 feet, a central angle of 23°55'51", and a chord which bears South 21°27'31" West, a distance of 114.03 feet; Thence, South 09°29'35" West, a distance of 205.22 feet to the **POINT OF BEGINNING** of this description;

THENCE, South 79°48'22" East, a distance of 121.29 feet;

THENCE, South 84°46'19" East, a distance of 500.37 feet;

THENCE, South 02°18'49" West, a distance of 93.49 feet;

THENCE, North 87°41'12" West, a distance of 70.45 feet;

THENCE, 533.16 feet along the arc of a curve to the right, having a radius of 4897.14 feet, a central angle of 06°14'16", and a chord which bears North 84°34'03" West, a distance of 532.90 feet;

THENCE, 47.62 feet along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of 90°56'30" and a chord which bears North 35°58'40" West, a distance of 42.77 feet;

THENCE, North 09°29'35" East, a distance of 73.58 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 1.451 acres (63,191 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON 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 10-0017
May 3, 2010

ZON10-00048

10-0017A.doc

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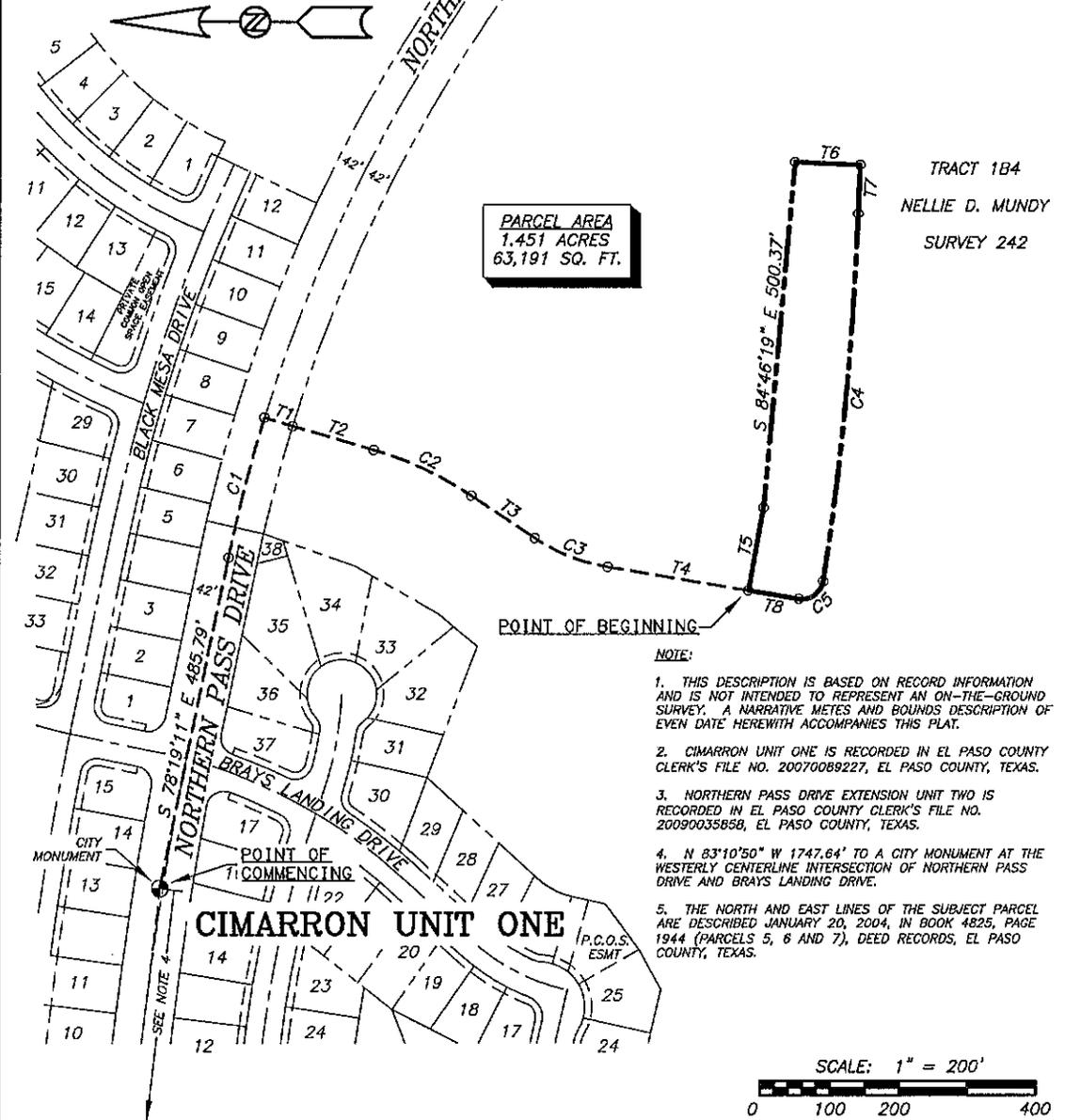
EXHIBIT "A"
Page 1 of 8

Parcel A
PARCEL 5

NUMBER	DELTA ANGLE	RADIUS	ARC	TANGEN.	CHORD	CHORD BEARING
C1	05°21'39"	2225.00	208.18	104.17	208.10	S 75°38'21" E
C2	17°02'20"	525.00	156.13	78.64	156.56	S 24°54'16" W
C3	23°55'51"	275.00	114.86	58.28	114.03	S 21°27'31" W
C4	06°14'16"	4897.14	533.16	266.84	532.90	N 84°34'03" W
C5	90°56'30"	30.00	47.62	30.50	42.77	N 35°58'40" W

NUMBER	BEARING	DISTANCE
T1	S 17°02'28" W	42.00'
T2	S 16°23'06" W	121.17'
T3	S 33°25'26" W	111.39'
T4	S 09°29'35" W	205.22'
T5	S 79°46'22" E	121.29'
T6	S 02°18'49" W	93.49'
T7	N 87°41'12" W	70.45'
T8	N 09°29'35" E	73.58'

TRACT 1B4
NELLIE D. MUNDY
SURVEY 242



PARCEL AREA
1.451 ACRES
63,191 SQ. FT.

TRACT 1B4
NELLIE D. MUNDY
SURVEY 242

- NOTE:**
1. THIS DESCRIPTION IS BASED ON 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.
 2. CIMARRON UNIT ONE IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20070089227, EL PASO COUNTY, TEXAS.
 3. NORTHERN PASS DRIVE EXTENSION UNIT TWO IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20090035858, EL PASO COUNTY, TEXAS.
 4. N 83°10'50" W 1747.64' TO A CITY MONUMENT AT THE WESTERLY CENTERLINE INTERSECTION OF NORTHERN PASS DRIVE AND BRAYS LANDING DRIVE.
 5. THE NORTH AND EAST LINES OF THE SUBJECT PARCEL ARE DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944 (PARCELS 5, 6 AND 7), DEED RECORDS, EL PASO COUNTY, TEXAS.

SCALE: 1" = 200'
0 100 200 400

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

EXHIBIT	
ZON10-00048	A 1.451-ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, EL PASO, EL PASO COUNTY, TEXAS.
	DATE: 05-03-10 SCALE: 1" = 200' DRAWN BY: RRS CHK'D BY: RRS FB: ~ FILE #: 10-0017A
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Property description: A 2.158-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 2.158-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the centerline P.I. of Northern Pass Drive (84-foot right-of-way, Cimarron Unit One, El Paso County Clerk's File No. 20070089227, El Paso County, Texas) opposite Lot 13, Block 6, Cimarron Unit One, from which a city monument at the westerly centerline intersection of Northern Pass Drive and Brays Landing Drive (52-foot right-of-way, Cimarron Unit One) bears North 83°10'50" West, a distance of 1747.64 feet; Thence, South 78°19'11" East, along the centerline of Northern Pass Drive, a distance of 485.79 feet; Thence, 208.18 feet continuing along said centerline and along the arc of a curve to the right, having a radius of 2225.00 feet, a central angle of 05°21'39", and a chord which bears South 75°38'21" East, a distance of 208.10 feet; Thence, South 17°02'28" West, a distance of 42.00 to the southerly right-of-way of Northern Pass Drive (84-foot right-of-way, Northern Pass Drive Extension Unit Two, El Paso County Clerk's File No. 20090035858, El Paso County, Texas); Thence, 1035.06 feet along said right-of-way and along the arc of a curve to the right, having a radius of 2183.00 feet, a central angle of 27°09'59", and a chord which bears South 59°22'32" East, a distance of 1025.39 feet; Thence, South 03°25'28" West, a distance of 106.07 feet to the **POINT OF BEGINNING** of this description;

THENCE, South 03°25'28" West, a distance of 211.98 feet;

THENCE, North 87°17'35" West, a distance of 131.30 feet;

THENCE, 80.34 feet along the arc of a curve to the left, having a radius of 70.00 feet, a central angle of 65°45'35" and a chord which bears North 87°41'12" West, a distance of 76.00 feet;

THENCE, North 87°41'12" West, a distance of 279.21 feet;

THENCE, North 02°18'49" East, a distance of 175.97 feet;

THENCE, North 88°13'31" East, a distance of 491.87 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 2.158 acres (93,986 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON 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 10-0017
May 3, 2010

ZON10-00048

EXHIBIT "A"
Page 3 of 8

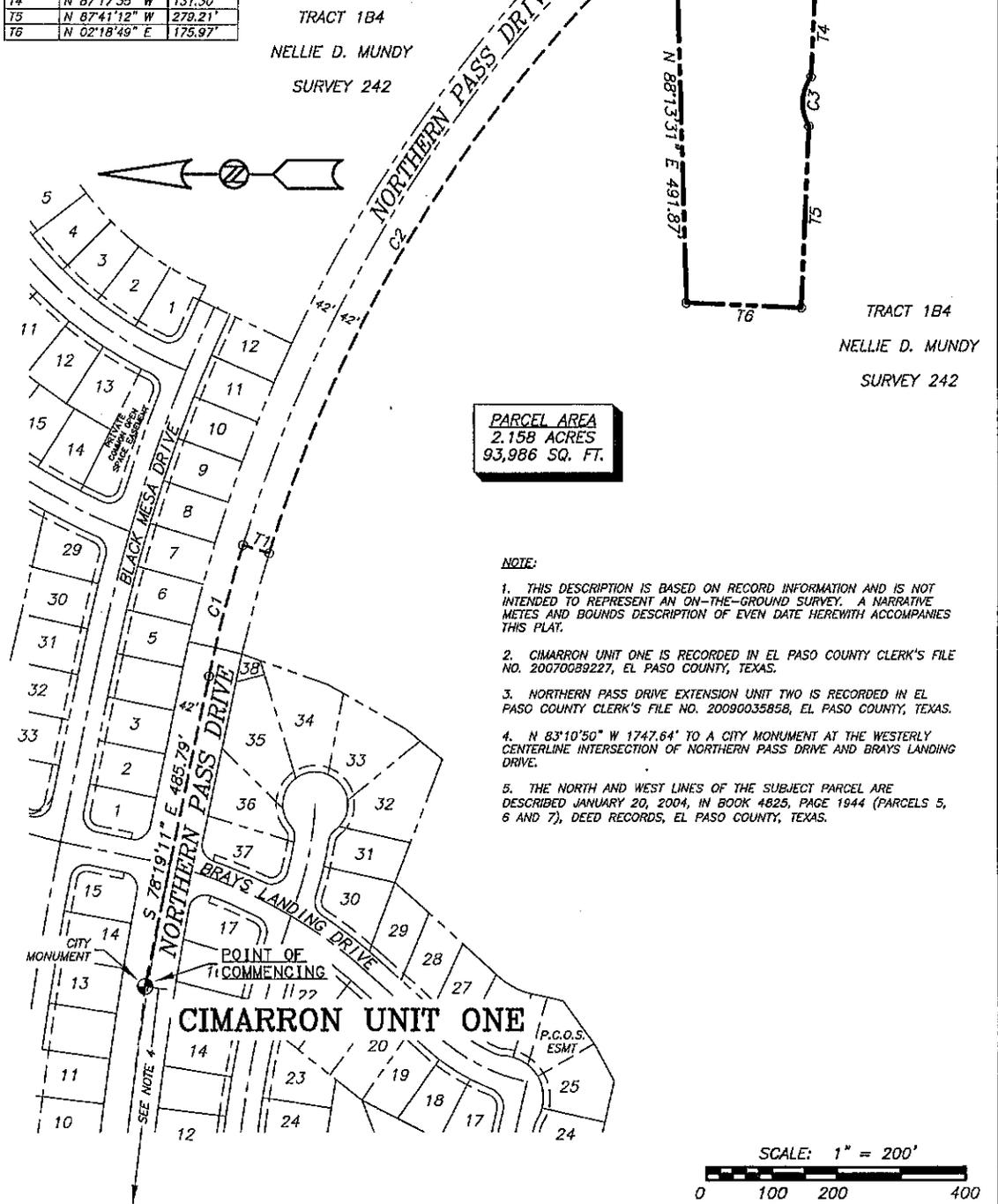
10-0017B.doc

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Parcel B
PARCEL 6

NUMBER	DELTA ANGLE	RADIUS	ARC	TANG	CHORD	CHORD BEARING
C1	05°21'39"	2225.00	208.18	104.17	208.10	S 75°38'21" E
C2	27°09'59"	2183.00	1035.06	527.45	1025.39	S 59°22'32" E
C3	65°45'35"	70.00	80.34	45.25	76.00	N 87°41'12" W

NUMBER	BEARING	DISTANCE
T1	S 17°02'28" W	42.00'
T2	S 03°25'28" W	106.07'
T3	S 03°25'28" W	211.98'
T4	N 87°17'35" W	131.30'
T5	N 87°41'12" W	279.21'
T6	N 02°18'49" E	175.97'



PARCEL AREA
2.158 ACRES
93,986 SQ. FT.

- NOTE:**
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 - CIMARRON UNIT ONE IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20070089227, EL PASO COUNTY, TEXAS.
 - NORTHERN PASS DRIVE EXTENSION UNIT TWO IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20090035858, EL PASO COUNTY, TEXAS.
 - N 83°10'50" W 1747.64' TO A CITY MONUMENT AT THE WESTERLY CENTERLINE INTERSECTION OF NORTHERN PASS DRIVE AND BRAYS LANDING DRIVE.
 - THE NORTH AND WEST LINES OF THE SUBJECT PARCEL ARE DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944 (PARCELS 5, 6 AND 7), DEED RECORDS, EL PASO COUNTY, TEXAS.

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

EXHIBIT	
ZON10-00048	A 2.158-ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, EL PASO, EL PASO COUNTY, TEXAS.
	DATE: 05-03-10 SCALE: 1" = 200' DRAWN BY: RRS CHK'D BY: RRS FB: ~ FILE #: 10-0017B
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Property description: An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is an 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the centerline P.I. of Northern Pass Drive (84-foot right-of-way, Cimarron Unit One, El Paso County Clerk's File No. 20070089227, El Paso County, Texas) opposite Lot 13, Block 6, Cimarron Unit One, from which a city monument at the westerly centerline intersection of Northern Pass Drive and Brays Landing Drive (52-foot right-of-way, Cimarron Unit One) bears North 83°10'50" West, a distance of 1747.64 feet; Thence, South 78°19'11" East, along the centerline of Northern Pass Drive, a distance of 485.79 feet; Thence, 208.18 feet continuing along said centerline and along the arc of a curve to the right, having a radius of 2225.00 feet, a central angle of 05°21'39", and a chord which bears South 75°38'21" East, a distance of 208.10 feet; Thence, South 17°02'28" West, a distance of 42.00 to the southerly right-of-way of Northern Pass Drive (84-foot right-of-way, Northern Pass Drive Extension Unit Two, El Paso County Clerk's File No. 20090035858, El Paso County, Texas), and the **POINT OF BEGINNING** of this description;

THENCE, 1035.06 feet along said right-of-way and along the arc of a curve to the right, having a radius of 2183.00 feet, a central angle of 27°09'59", and a chord which bears South 59°22'32" East, a distance of 1025.39 feet;

THENCE, South 03°25'28" West, a distance of 106.07 feet;

THENCE, South 88°13'31" West, a distance of 491.87 feet;

THENCE, South 02°18'49" West, a distance of 82.48 feet;

THENCE, North 84°46'19" West, a distance of 500.37 feet;

THENCE, North 79°48'22" West, a distance of 121.29 feet;

THENCE, North 09°29'35" East, a distance of 205.22 feet;

THENCE, 114.86 feet along the arc of a curve to the right, having a radius of 275.00 feet, a central angle of 23°55'51", and a chord which bears North 21°27'31" East, a distance of 114.03 feet;

THENCE, North 33°25'26" East, a distance of 111.35 feet;

THENCE, 156.13 feet along the arc of a curve to the left, having a radius of 525.00 feet, a central angle of 17°02'20", and a chord which bears North 24°54'16" East, a distance of 155.55 feet;

THENCE, North 16°23'06" East, a distance of 121.17 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 11.283 acres (491,486 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON 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. Scipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0017
May 3, 2010

ZON10-00048

10-0017.doc

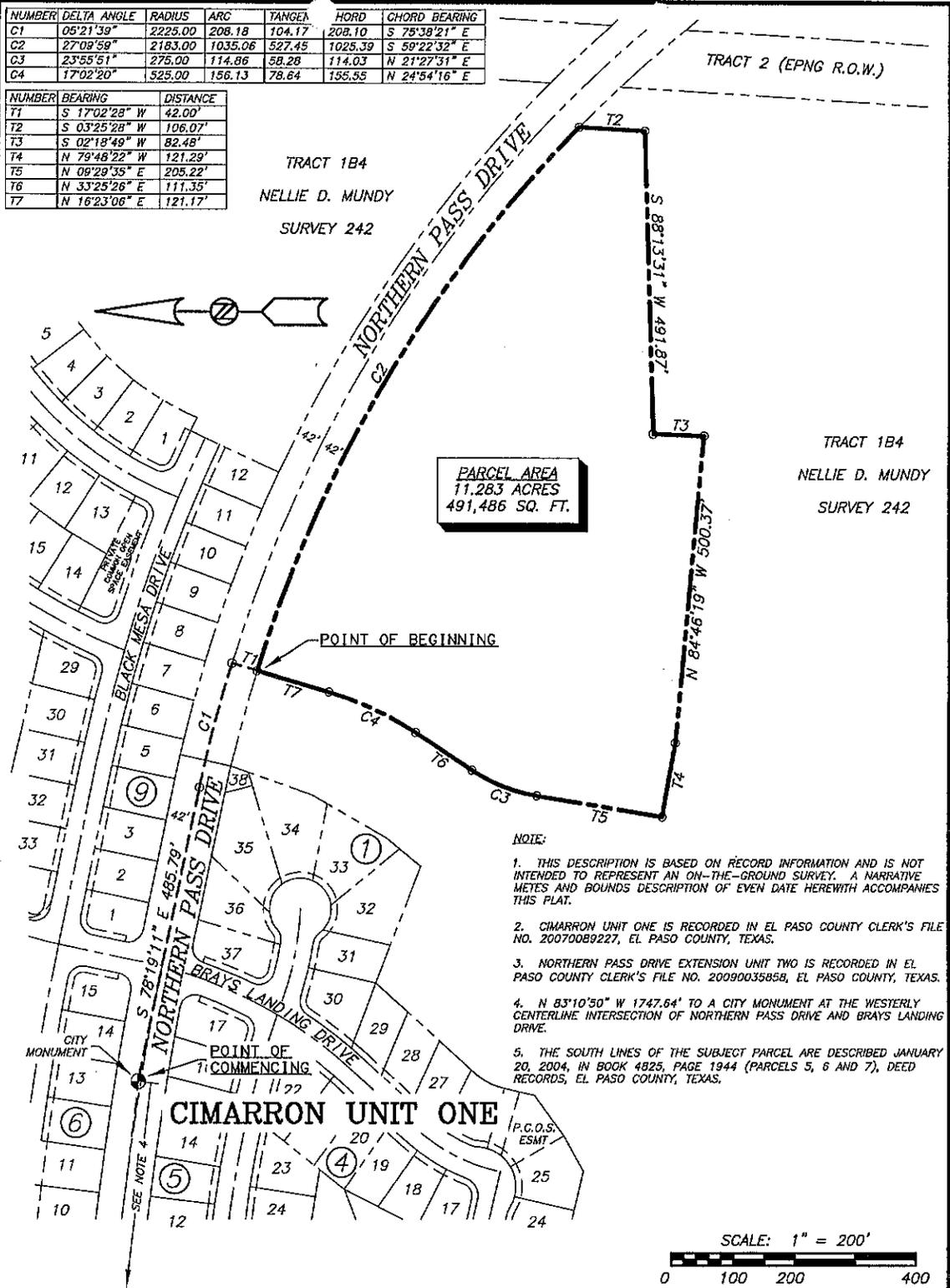
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EXHIBIT "A"
Page 5 of 8

Parcel C
Parcel 7

NUMBER	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	05°21'39"	2225.00	208.18	104.17	208.10	S 75°38'21" E
C2	27°09'59"	2183.00	1035.06	527.45	1025.39	S 59°22'32" E
C3	23°55'51"	275.00	114.86	58.28	114.03	N 21°27'31" E
C4	17°02'20"	525.00	156.13	78.64	155.35	N 24°54'16" E

NUMBER	BEARING	DISTANCE
T1	S 17°02'28" W	42.00'
T2	S 03°25'28" W	106.07'
T3	S 02°18'49" W	82.48'
T4	N 79°48'22" W	121.29'
T5	N 08°29'35" E	205.22'
T6	N 33°25'26" E	111.35'
T7	N 16°23'06" E	121.17'



- NOTE:**
1. THIS DESCRIPTION IS BASED ON 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.
 2. CIMARRON UNIT ONE IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20070089227, EL PASO COUNTY, TEXAS.
 3. NORTHERN PASS DRIVE EXTENSION UNIT TWO IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20090035858, EL PASO COUNTY, TEXAS.
 4. N 83°10'50" W 1747.64' TO A CITY MONUMENT AT THE WESTERLY CENTERLINE INTERSECTION OF NORTHERN PASS DRIVE AND BRAYS LANDING DRIVE.
 5. THE SOUTH LINES OF THE SUBJECT PARCEL ARE DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944 (PARCELS 5, 6 AND 7), DEED RECORDS, EL PASO COUNTY, TEXAS.



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

EXHIBIT

ZON10-00048

AN 11.283-ACRE PORTION OF TRACT 184, NELLIE D. MUNDY SURVEY 242, EL PASO, EL PASO COUNTY, TEXAS.

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DATE: 05-03-10
 SCALE: 1" = 200'
 DRAWN BY: RRS
 CHK'D BY: RRS
 FB: ~
 FILE #: 10-0017

Property description: A 14.891-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 14.891-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a city monument at the centerline P.I. of Northern Pass Drive (84-foot right-of-way, Cimarron Unit One, El Paso County Clerk's File No. 20070089227, El Paso County, Texas) opposite Lot 13, Block 6, Cimarron Unit One, from which a city monument at the westerly centerline intersection of Northern Pass Drive and Brays Landing Drive (52-foot right-of-way, Cimarron Unit One) bears North $83^{\circ}10'50''$ West, a distance of 1747.64 feet; Thence, South $78^{\circ}19'11''$ East, along the centerline of Northern Pass Drive, a distance of 485.79 feet; Thence, 208.18 feet continuing along said centerline and along the arc of a curve to the right, having a radius of 2225.00 feet, a central angle of $05^{\circ}21'39''$, and a chord which bears South $75^{\circ}38'21''$ East, a distance of 208.10 feet; Thence, South $17^{\circ}02'28''$ West, a distance of 42.00 to the southerly right-of-way of Northern Pass Drive (84-foot right-of-way, Northern Pass Drive Extension Unit Two, El Paso County Clerk's File No. 20090035858, El Paso County, Texas), and the **POINT OF BEGINNING** of this description;

THENCE, 1035.06 feet along said right-of-way and along the arc of a curve to the right, having a radius of 2183.00 feet, a central angle of $27^{\circ}09'59''$, and a chord which bears South $59^{\circ}22'32''$ East, a distance of 1025.39 feet;

THENCE, South $03^{\circ}25'28''$ West, a distance of 318.05 feet;

THENCE, North $87^{\circ}17'35''$ West, a distance of 131.30 feet;

THENCE, 80.34 feet along the arc of a curve to the left, having a radius of 70.00 feet, a central angle of $65^{\circ}45'35''$ and a chord which bears North $87^{\circ}41'12''$ West, a distance of 76.00 feet;

THENCE, North $87^{\circ}41'12''$ West, a distance of 349.66 feet;

THENCE, 533.16 feet along the arc of a curve to the right, having a radius of 4897.14 feet, a central angle of $06^{\circ}14'16''$, and a chord which bears North $84^{\circ}34'03''$ West, a distance of 532.90 feet;

THENCE, 47.62 feet along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of $90^{\circ}56'30''$ and a chord which bears North $35^{\circ}58'40''$ West, a distance of 42.77 feet;

THENCE, North $09^{\circ}29'35''$ East, a distance of 278.79 feet;

THENCE, 114.86 feet along the arc of a curve to the right, having a radius of 275.00 feet, a central angle of $23^{\circ}55'51''$, and a chord which bears North $21^{\circ}27'31''$ East, a distance of 114.03 feet;

THENCE, North $33^{\circ}25'26''$ East, a distance of 111.35 feet;

THENCE, 156.13 feet along the arc of a curve to the left, having a radius of 525.00 feet, a central angle of $17^{\circ}02'20''$, and a chord which bears North $24^{\circ}54'16''$ East, a distance of 155.55 feet;

THENCE, North $16^{\circ}23'06''$ East, a distance of 121.17 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 14.891 acres (648,663 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON 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. Scipel, R.P.L.S.
President
Texas License No. 4178

Job Number 10-0017
April 6, 2010

ZON10-00048

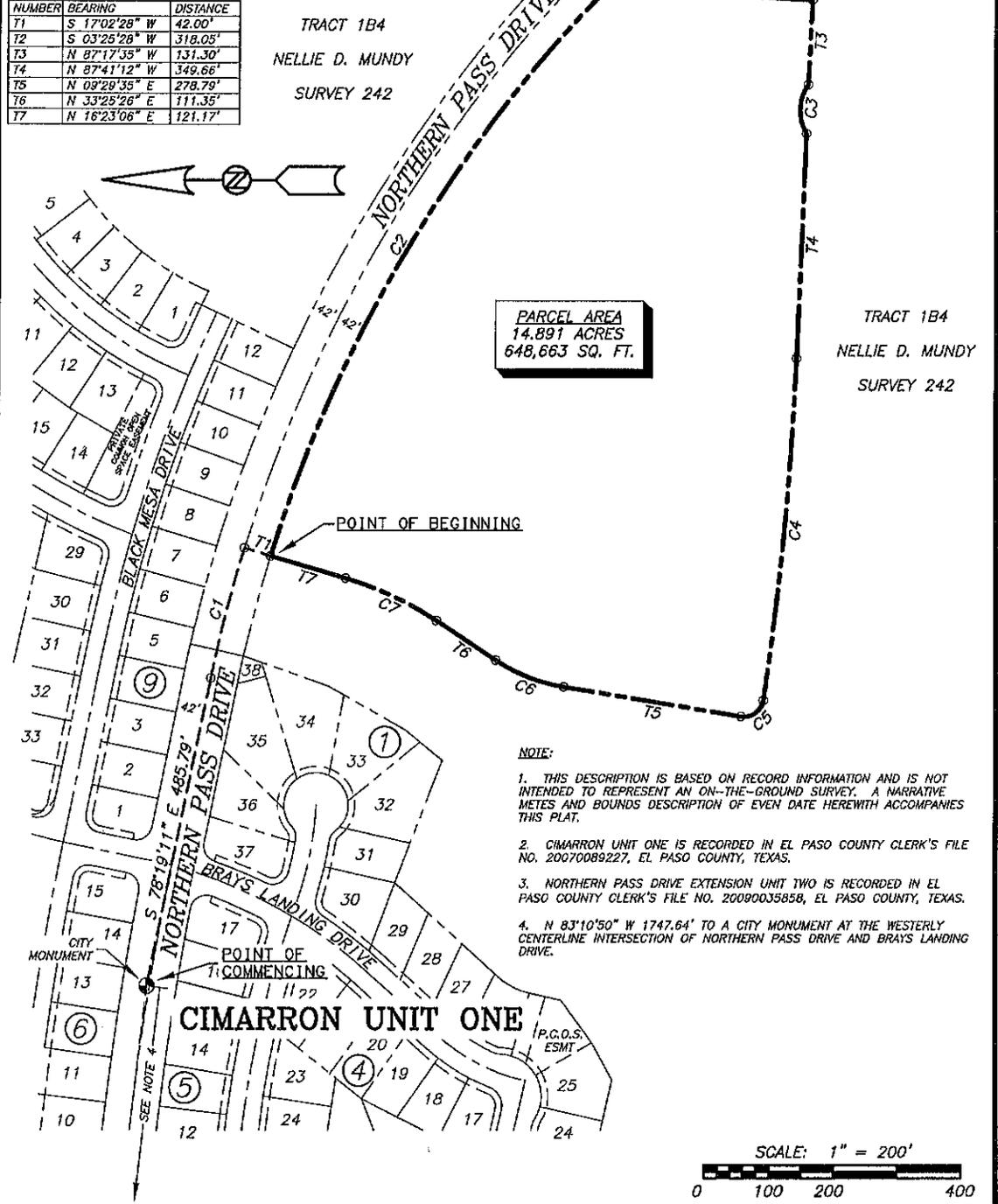
10-00017.doc

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EXHIBIT "A"
Page 7 of 8
Parcels A, B, C

NUMBER	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	05°21'39"	2225.00	208.18	104.17	208.10	S 75°38'21" E
C2	27°09'59"	2183.00	1035.06	527.45	1023.39	S 59°22'32" E
C3	65°45'35"	70.00	80.34	45.25	76.00	N 87°41'12" W
C4	06°14'16"	4897.14	533.16	266.84	532.90	N 84°34'03" W
C5	90°56'30"	30.00	47.62	30.50	42.77	N 35°58'40" W
C6	23°55'51"	275.00	114.86	58.28	114.03	N 21°27'31" E
C7	17°02'20"	525.00	156.13	78.64	155.55	N 24°54'16" E

NUMBER	BEARING	DISTANCE
T1	S 17°02'28" W	42.00'
T2	S 03°25'28" W	318.05'
T3	N 87°17'35" W	131.30'
T4	N 87°41'12" W	349.66'
T5	N 09°28'35" E	278.79'
T6	N 33°25'26" E	111.35'
T7	N 18°23'06" E	121.17'



PARCEL AREA
14.891 ACRES
648,663 SQ. FT.

- NOTE:**
1. THIS DESCRIPTION IS BASED ON 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.
 2. CIMARRON UNIT ONE IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20070089227, EL PASO COUNTY, TEXAS.
 3. NORTHERN PASS DRIVE EXTENSION UNIT TWO IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20090035858, EL PASO COUNTY, TEXAS.
 4. N 83°10'50" W 1747.64' TO A CITY MONUMENT AT THE WESTERLY CENTERLINE INTERSECTION OF NORTHERN PASS DRIVE AND BRAYS LANDING DRIVE.



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

EXHIBIT

A 14.891-ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, EL PASO, EL PASO COUNTY, TEXAS.

DATE: 04-05-10
SCALE: 1" = 200'
DRAWN BY: RRS
CHK'D BY: RRS
FB: ~
FILE #: 10-0017

ZON10-00048

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MEMORANDUM

DATE: August 23, 2010

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

FROM: Linda Castle, Senior Planner

SUBJECT: ZON10-00048

The City Plan Commission (CPC) voted **7-0** on August 12, 2010 to recommend **APPROVAL** of the rezoning from C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions) to A-O/c (Apartment-Office/conditions) in agreement with DCC and with staff's recommendation.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Northwest Planning Area and that the proposed development is compatible with adjacent land uses. The CPC determined that the rezoning protects the best interest, health, safety, and welfare of the public in general and that 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 OPPOSITION** to this request.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00048
Application Type: Rezoning
CPC Hearing Date: July 29, 2010
Staff Planner: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

Location: South of Northern Pass Drive and North of Paseo Del Norte Drive
Legal Description: Parcel A – A 1.451 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone C-1/c, Parcel 5 in Ordinance 15672)
Parcel B – A 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone C-3/c, Parcel 6 in Ordinance 15672)
Parcel C – An 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas (zone R-3A/c, Parcel 7 in Ordinance 15672)
Northern Pass Drive

Acreage: 14.891 acres
Rep District: 1
Zoning: C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions)
Existing Use: Vacant
Request: A-O/c (Apartment/Office/conditions)
Proposed Use: Multi-family (Apartments)
Property Owners: Hunt Communities Holding, LLC
Representative: Kimley-Horn and Associates, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3A/c (Residential/conditions) / Single-family residential / Vacant
South: C-1/c (Commercial/conditions) and C-3/c (Commercial/conditions) / Vacant
East: R-3A/c (Residential/conditions) and C-3/c (Commercial/conditions) / Vacant
West: R-3A/c (Residential/conditions) and C-1/c (Commercial/conditions) / Single-family residential / Vacant

Plan for El Paso Designation: Mixed Use and Commercial (Northwest Planning Area)

Nearest Park: Cimarron #1 Park (2,536 Feet)

Nearest School: Kohlberg Elementary (7,390 Feet)

NEIGHBORHOOD ASSOCIATIONS

Coronado Neighborhood Association
Mountain Arroyos Neighborhood Association
Save the Valley Neighborhood Association
Upper Mesa Hills Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 13, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone 14.891 acres from C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions) to A-O/c (Apartment-Office/conditions).

There are conditions imposed on the property by Ordinance 15672 (see Attachment 4).

- The condition imposed on the C-3 zoned portion (Parcel 6 in the Ordinance) requires a ten-foot (10') landscaped buffer:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line were abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal code and shall be required prior to the issuance of any building permits.

- The conditions imposed on the R-3A zoned portion (Parcel 7 in the Ordinance):
 1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
 2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

The applicant has submitted a conceptual site plan that shows an apartment complex with 9 apartment buildings and a clubhouse.

PLANNING DIVISION RECOMMENDATION

Planning Division recommends **approval** of the rezoning request with the following conditions:

- 1) *That self-storage warehouses shall be prohibited;*
- 2) *That a six (6) foot wide sidewalk with a four (4) foot wide parkway shall be provided abutting any residential street and as applicable by Title 19 of the El Paso City Code; and,*
- 3) *That all property abutting any residential streets shall include landscaping consisting of high profile columnar trees of at least three inch (3") caliper and ten feet (10') in height (also known as ball or vase shaped trees, not palms) placed at twenty feet (20') on center. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any building permits.*

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.
- b. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

The purpose of the A-O district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and

certain nonresidential uses and support facilities.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to the Planning Staff's recommendation for **approval with conditions**.

Development Services Department - Building Permits and Inspections Division

Plan Review: Plan Review has no objections to the rezoning.

Landscape: No comments received.

Development Services Department – Subdivision Plan Review

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
 - Grading plan and permit shall be required.*
 - Storm Water Pollution Prevention Plan and/or permit required.*
 - Drainage plans must be approved by the Development Services Department, Engineering Section.*
 - Coordination with TXDOT
 - No water runoff allowed outside the proposed development boundaries, (On-site ponding required)
 - The Subdivision is within Flood Zone C – “Areas of minimal flooding, (No shading).” – Panel # 480214 0017C, dated February 5, 1986.
- *This requirement will be applied at the time of development.

Engineering Department - Traffic Division

- No objection to zoning change.

- Ordinance conditions are in reference to landscape buffers and density.

Street Department

We offer no objections.

All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Fire Department

El Paso Fire Department, Strategic Planning Division has no objects to zoning change.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. Along Northern Pass Boulevard fronting the subject property, there is an existing 30-inch diameter water transmission main. No service connections are allowed to this main as per the El Paso Water Utilities - Public Service Board Rules & Regulations.

3. Along Northern Pass Boulevard fronting the subject property, there is an existing 12-inch diameter water main.

4. The subject property will be located within an intermediate pressure zone. Pressure reducing and pressure relief valves are required within the water distribution system. In addition, private water pressure regulating devices will be required at the discharge side of each water meter. The Owner/Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

Sanitary Sewer:

5. The Developer of Northern Pass Boulevard has entered into a development agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to install sanitary sewer main facilities along Northern Pass Boulevard and along the future street located south of Northern Pass Drive and immediately west of the

subject property. The Developer's utility contractor is currently installing these sanitary sewer mains. Permanent service for the property will be available after EPWU-PSB issues a Letter of Final Acceptance of the facilities.

General:

6. If the development of the subject Property requires public main extensions within the Property, easements will be required. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy. EPWU-PSB requires access to water, sanitary sewer facilities, appurtenances, and meters within the easement area 24 hours a day, seven (7) days a week.

7. EPWU requires a new service application to provide service to the subject subdivision. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. 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.

Sun Metro

Sun Metro does not oppose this request for rezoning. Sun Metro recommends that sidewalks be constructed to City standards in order to provide pedestrian accessibility to mass transit services.

CITY PLAN COMMISSION OPTIONS

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

1. Recommend approval of the application finding that the rezoning 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 rezoning 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 rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

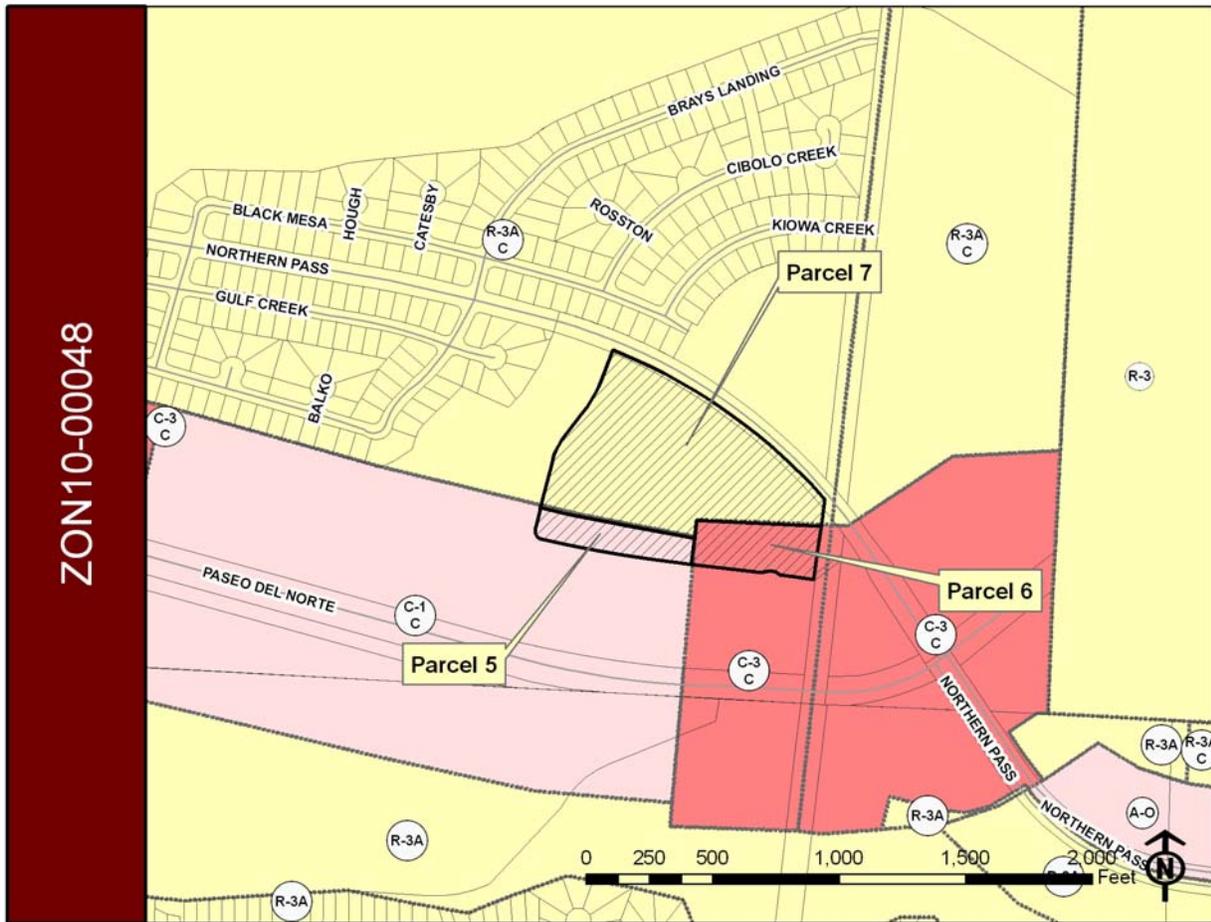
Attachment 1: Zoning Map

Attachment 2: Aerial Map

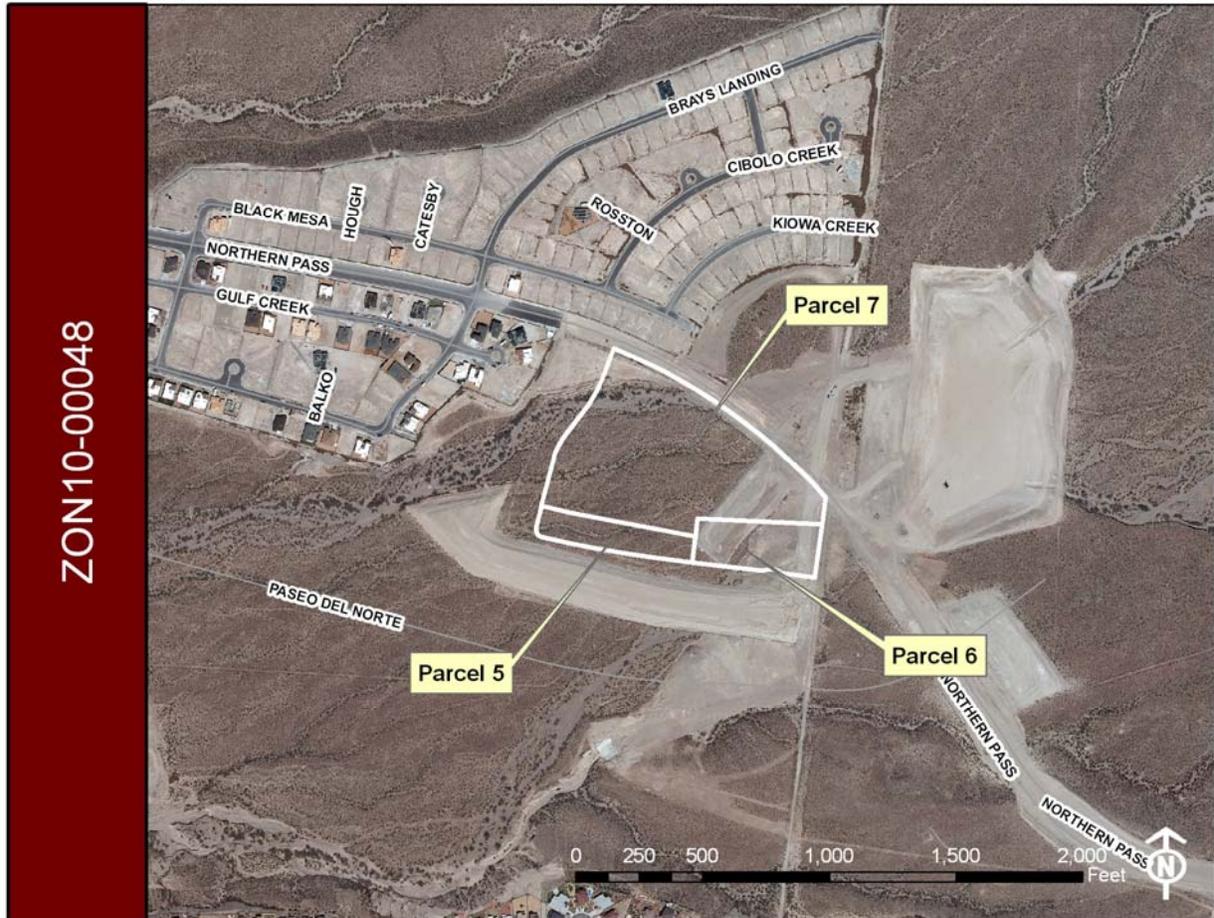
Attachment 3: Conceptual Site Plan

Attachment 4: Ordinance 15672

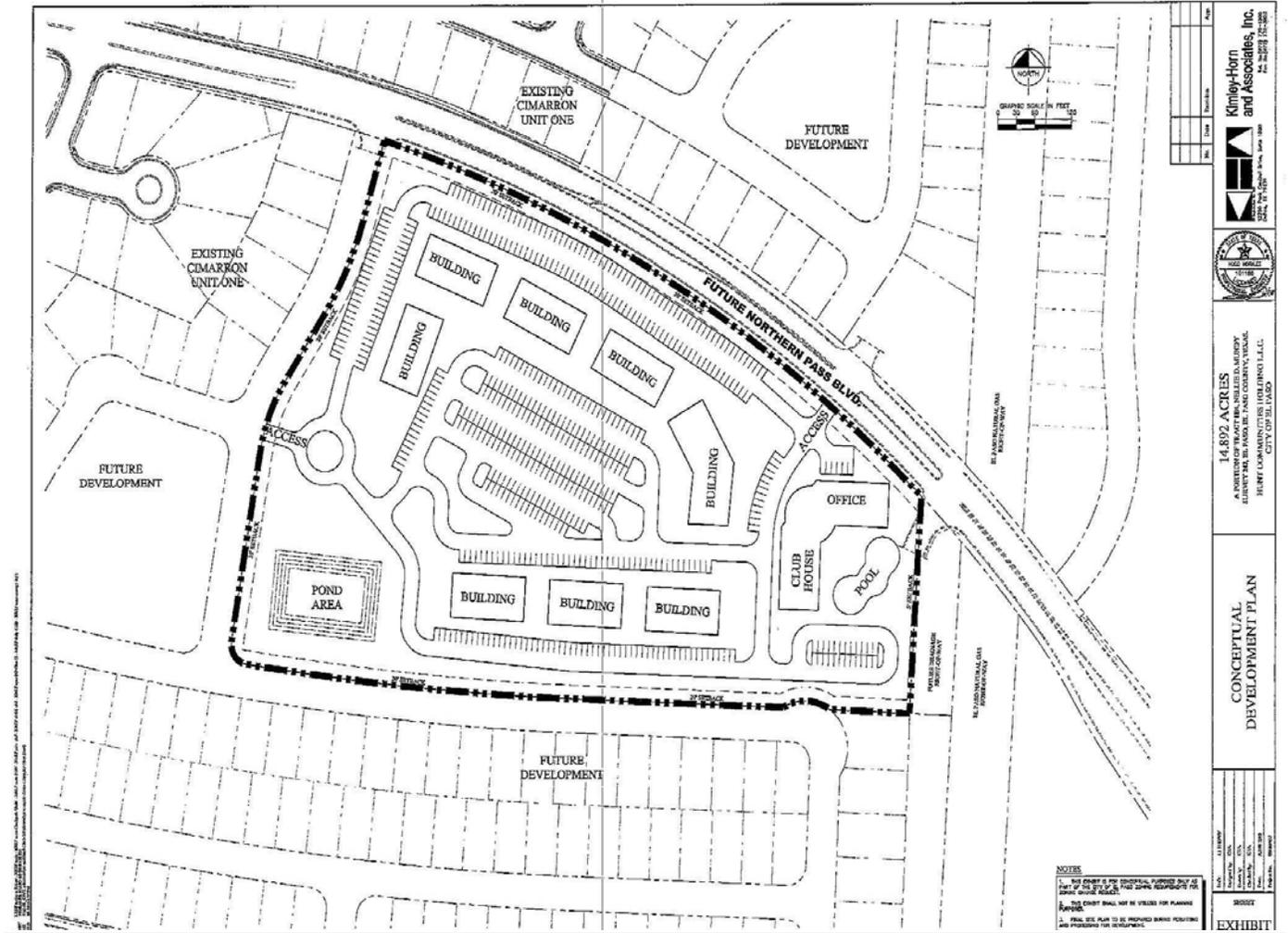
ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE

Book 4825
Page 1944
1-2-04
Inst. # 20040013133

15872

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 2: A PORTION OF NELLIE D. MUNDY SURVEY NO. 241, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF S.J. LARKIN SURVEY NO. 264 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 4: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 5: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 6: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 10: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), PARCEL 11: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 12: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND PARCEL 13: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

ORDINANCE NO. 15872

1/21/2004
Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

- Parcel 1: From R-3 (Residential) to C-1 (Commercial)
- Parcel 2: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 3: From R-3 (Residential) to C-1 (Commercial)
- Parcel 4: From R-3 (Residential) to R-3A (Residential)
- Parcel 5: From R-3 (Residential) to C-1 (Commercial)
- Parcel 6: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 7: From R-3 (Residential) to R-3A/c (Residential/conditions)
- Parcel 8: From R-3 (Residential) to R-3A/c (Residential/conditions)
- Parcel 9: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 10: From R-3 (Residential) to A-O (Apartment/Office)
- Parcel 11: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 12: From R-3 (Residential) to R-3A (Residential)
- Parcel 13: From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** 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 C-3 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** 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 R-3A (Residential) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

ATTACHMENT 4: ORDINANCE

1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. ~~Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.~~*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

That the properties described as **Parcels 8 and 13** 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 R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

The land area within these parcels shall not exceed the gross density of the R-3 (Residential) zoning district.

These conditions shall 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 20th day of January, 2004.

(signatures on the next page)

ORDINANCE NO. 15672

3

1/21/2004

Zoning Case No: ZON03-00046

