

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

DEPARTMENT: Planning & Economic Development
AGENDA DATE: Introduction: September 14, 2010
Public Hearing: October 5, 2010
CONTACT PERSON/PHONE: Art Rubio, (915) 541-4633, rubioax@elpasotexas.gov
DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance releasing all the conditions placed by Ordinance No. 9364, Ordinance No. 15708, Ordinance No. 011540, Ordinance No. 010052, Ordinance No.16241 and Resolution dated April 26, 1988, and Contract dated August 9, 1988, and Contract Amendment dated September 13, 1988 on the property abutting Transmountain Road between US Highway 54 and Interstate Highway 10, including All of Westport Unit Five, City of El Paso, El Paso County, Texas; Portions of Tracts 10A, 10B, Tract 10B4, 10C, 10D, 10E, 10E1, 12A, and all of Tracts 9, 10B3, and 11, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas; Hoover Avenue and Northwestern Drive and all of Westport Unit Five, City of El Paso, El Paso County, Texas; Westport Unit Seven Amending Subdivision, City of El Paso, El Paso County, Texas; All of Lot 1A, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; All of Lot 1, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; A portion of Tracts 1A1, 1D, 2C, 2D, 2E and Resler Drive Right-of-Way, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; and imposing new conditions on all the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Property abutting Transmountain Road between US Highway 54 and Interstate Highway 10. ZON10-00076 (District 1)

BACKGROUND / DISCUSSION:

The back up includes revisions to the staff report, Ordinance and memo.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – No objection
City Plan Commission (CPC) – Approval Recommendation 5-0

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew, McElroy
Deputy Director, Planning & Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL THE CONDITIONS PLACED BY ORDINANCE NO. 9364, ORDINANCE NO. 15708, ORDINANCE NO. 011540, ORDINANCE NO. 010052, ORDINANCE NO. 16241 AND RESOLUTION DATED APRIL 26, 1988, AND CONTRACT DATED AUGUST 9, 1988, AND CONTRACT AMENDMENT DATED SEPTEMBER 13, 1988 ON THE PROPERTY ABUTTING TRANSMOUNTAIN ROAD BETWEEN US HIGHWAY 54 AND INTERSTATE HIGHWAY 10, INCLUDING ALL OF WESTPORT UNIT FIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; PORTIONS OF TRACTS 10A, 10B, TRACT 10B4, 10C, 10D, 10E, 10E1, 12A, AND ALL OF TRACTS 9, 10B3, AND 11, NELLIE D. MUNDY SURVEY 239, CITY OF EL PASO, EL PASO COUNTY, TEXAS; A PORTION OF TRACT 2, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS; HOOVER AVENUE AND NORTHWESTERN DRIVE AND ALL OF WESTPORT UNIT FIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; WESTPORT UNIT SEVEN AMENDING SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS; ALL OF LOT 1A, BLOCK 3, WESTPORT UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; ALL OF LOT 1, BLOCK 3, WESTPORT UNIT THREE, CITY OF EL PASO, EL PASO COUNTY, TEXAS; A PORTION OF TRACTS 1A1, 1D, 2C, 2D, 2E AND RESLER DRIVE RIGHT-OF-WAY, NELLIE D. MUNDY SURVEY 243, CITY OF EL PASO, EL PASO COUNTY, TEXAS; AND IMPOSING NEW CONDITIONS ON ALL THE PROPERTY. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, City Council on April 26, 1988, adopted Ordinance No. 9364 which rezoned the property described as All of Westport Unit Five, City of El Paso, El Paso County, Texas; Portions of Tracts 10A, 10B, Tract 10B4, 10C, 10D, 10E, 10E1, 12A, and all of Tracts 9, 10B3, and 11, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas; Hoover Avenue and Northwestern Drive and all of Westport Unit Five, City of El Paso, El Paso County, Texas; Westport Unit Seven Amending Subdivision, City of El Paso, El Paso County, Texas; All of Lot 1A, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; All of Lot 1, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; A portion of Tracts 1A1, 1D, 2C, 2D, 2E and Resler Drive Right-of-Way, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas, hereinafter referred to as "Property;" and,

WHEREAS, the rezoning of the Property was subject to conditions that were necessary and attributable to the increased intensity of use and necessary for the protection of the surrounding area abutting the Property; and,

WHEREAS, City Council on April 26, 1988, adopted a Resolution authorizing the Mayor to sign a contract with the property owners of the Property, placing conditions on the property as a result of the rezoning of the Property by Ordinance No. 9364; and,

WHEREAS, such a Contract placing the conditions on the Property was executed on August 9, 1988; and,

WHEREAS, on September 13, 1988, the contract dated August 9, 1988 was amended to revise certain conditions placed on certain portions of the Property; and,

WHEREAS, on April 17, 1990 City Council adopted Ordinance 010052 which changed the zoning of portions of the Property and placed additional conditions on the portions of the Property that were rezoned; and,

WHEREAS, on September 7, 1993 City Council adopted Ordinance 011540 which changed the zoning of portions of the Property and placed additional conditions on the portions of the Property that were rezoned; and,

WHEREAS, on March 2, 2004, City Council adopted Ordinance 15708 which changed the zoning of portions of the Property and placed additional conditions on the portions of the Property that were rezoned; and,

WHEREAS, on December 20, 2005, City Council adopted Ordinance 16241 which changed the zoning of portions of the Property and placed additional conditions on the portions of the Property that were rezoned; and,

WHEREAS, the property owners requested the removal or amendment of certain conditions placed on the Property; and

WHEREAS, City Council agrees to release all the conditions placed on the Property by all the prior Ordinances, Resolutions, and Contracts, and impose new conditions on the Property; and,

WHEREAS, the property owners are in agreement that such new conditions should be placed on the property to continue to protect the properties abutting the Property;

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

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

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

1. That zoning conditions imposed by Ordinance No. 9364 adopted on April 26, 1988, Ordinance 010052 adopted on April 17, 1990, Ordinance 011540, adopted September 7, 1993 Ordinance 15708, adopted March 2, 2004, Ordinance 16241, adopted December 20, 2005, and imposed by Contract, dated August 9, 1988, and amended on September 13, 1988, be released in their entirety and the following conditions be placed on the following portions of the Property:

2. That the property identified in **Exhibit A**, and further described below, be subject to the conditions as defined below:

a. That Parcel 1, approximately 10.07 acres, described as *A portion of Lot 1, Block 2, Transwest Subdivision, Unit One, and a Portion of Tract 10C, Nellie D. Mundy Survey No. 239; El Paso County*, and more particularly described in the metes and bounds attached in **Exhibit B**; Parcel 2, described as *A portion of the Nellie D. Mundy Survey No. 239 and Nellie D. Mundy Survey No.243, City of El Paso, County of El Paso*, and more particularly described in the metes and bounds attached in **Exhibit C**; and Parcel 3, described as *All of Lot 1, Block 6, Westport Unit Five,(All of Westport Unit Five) El Paso City, County of El Paso, Texas* and more particularly described in the metes and bounds attached in **Exhibit D**; and Parcel 4 described as *A portion of Tract 10B, Nellie D. Mundy Survey No. 239*, and more particularly described in the metes and bounds attached in **Exhibit E**; be subject to the following condition:

That the following signage standards, in addition to those standards in the City Code, shall also apply to all property within 100 feet of the Transmountain right-of-way line, except that for Parcel 3 the standards shall only apply 50 feet from the Transmountain right-of-way line and not where abutting the Interstate 10 right-of-way

(1) Lots larger than six acres.

(a) Only monument signs shall be permitted and signs shall have a 100 percent width base constructed of unpainted brick or stone or other natural material e.g. adobe or rammed earth.

(b) No more than 2 (two) monument signs will be permitted per lot, except that 1 (one) monument sign in addition shall be permitted at each driveway entrance permitted by TXDOT provided that driveways are spaced at least 300 feet apart but in no case shall the number of signs exceed 4 (four).

(d) No digital (LED or other technology) signs are permitted except that digital price signs may be permitted at gasoline stations.

(e) Signs, excluding the base, shall not exceed 250 square feet in area and shall not exceed 20 feet in height.

(f) All pole and outparcel signs are prohibited.

(2) Lots equal to or less than 6 acres.

(a) Only monument signs shall be permitted and signs shall have a 100 percent width base constructed of unpainted brick or stone or other natural material e.g. adobe or rammed earth.

(b) No more than 1 monument sign will be permitted per lot, except that 1 (one) additional monument sign shall be permitted at each driveway entrance permitted by TXDOT provided that driveways are spaced at least 300 feet apart. In no case shall the number of signs exceed 2 (two).

(c) No digital (LED or other technology) signs are permitted except that digital price signs may be permitted at gasoline stations.

(d) Signs, excluding the base, shall not exceed 250 square feet in area and shall not exceed 20 feet in height. .

(e) All pole and outparcel signs are prohibited.

b. That Parcels, 1, 2, and 4, described above are subject to the following additional conditions:

(1) A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

(2) Prior to the issuance of a certificate of occupancy, the applicant shall install a 15 foot landscape buffer along the Right of Way (ROW) line. The 15 foot landscape buffer

shall include the following tree species: Raywood Ash, Arizona Ash, Chinquapin Oak, and Bonita Ash, spaced 30 feet on center in a symmetrical pattern as approved by the Planning Official and staggered from those installed by the Texas Department of Transportation. After the tree branches have reached a minimum height of seven feet, the branching structure shall be maintained at a minimum height of seven feet (7') above the sidewalk area ground, three feet from the trunk. Such trees shall be healthy and vigorous at time of planting. The landscape buffer shall also include drought tolerant plants spaced at intervals approximating the Resler hike and bike trail and as detailed in the approved Detailed Site Development Plan. The landscape buffer shall be irrigated per Title 18 of the city code. The landscape buffer shall be included in the calculation for required commercial landscaping under the landscape standards of Title 18.

c. That Parcel 2, described above, is subject to the following additional condition:

(1). Vegetation and Revegetation shall apply for any improvements on site requiring any City building permit as follows.

(a) Vegetation and revegetation shall be required on all disturbed areas and shall be irrigated if necessary. If in the course of construction of buildable areas (buildable area is an area which is planned to become a parking facility, building, street drainage facility, park, or other built structure), non-buildable areas are disturbed areas, the developer shall restore the formally undisturbed non-buildable area through the replanting of appropriate native, adaptive and drought tolerant revegetation to mitigate soil erosion.

(b) Existing natural vegetation on the property shall be retained in its natural state, except where necessary for the construction of subdivision improvements and buildings or to replace or improve undesirable vegetation.

(c) To ensure proper vegetation, a Vegetation Preservation and Protection Report shall be required containing all of the following information:

(i) General description of existing vegetation and proposed use of new vegetation;

(ii) The vegetation to be removed and method of disposal;

(iii) The vegetation to be planted;

(iv) Slope stabilization measures to be installed.

(d) Revegetation and approval of all submitted reports shall be completed prior to the issuance of any certificates of occupancy.

(e) In no case shall the revegetation requirement apply to required landscaping or reduce the required landscape buffer in condition 2 above.

3. That the Parcel 5, described as *Tracts 9, 10-C, 10-D, 10-E-1, 11 and 12-A Nellie D Mundy Survey No. 239 and Lot 1, Block 2, Transwest Subdivision Unit One, City of El Paso, El Paso County, Texas*, and more particularly described in the metes and bounds attached in **Exhibit F**, be subject to the following condition:

A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

4. That Parcel 6a, described as *3.97 acres, being a portion of Tract 10B and all of Tract 10B3, Nellie D Mundy Survey No. 239, El Paso County, Texas* and Parcel 6b a

32.659 acre portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, and Westport Unit Five, El Paso, El Paso County, Texas and more particularly described in the metes and bounds attached in **Exhibit G** be subject to the conditions as defined below:

A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

5. That Parcels 7,8 and 9 described as a parcel of land being a portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, A portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No. 242, and all of Tract 2A and a portion of Tract 2E Nellie D. Mundy Survey No. 243 City of El Paso, El Paso County Texas and a portion of Tract 3B, Nellie D. Mundy Survey No. 242, City of El Paso, El Paso County Texas, A portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and more particularly described in the metes and bounds attached in **Exhibit H** be subject to the following condition:

A ten foot landscape buffer shall be placed between any commercial district and residential or apartment district.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

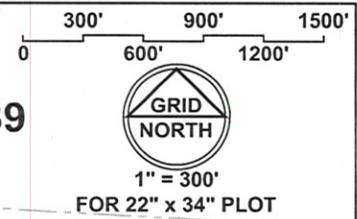
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

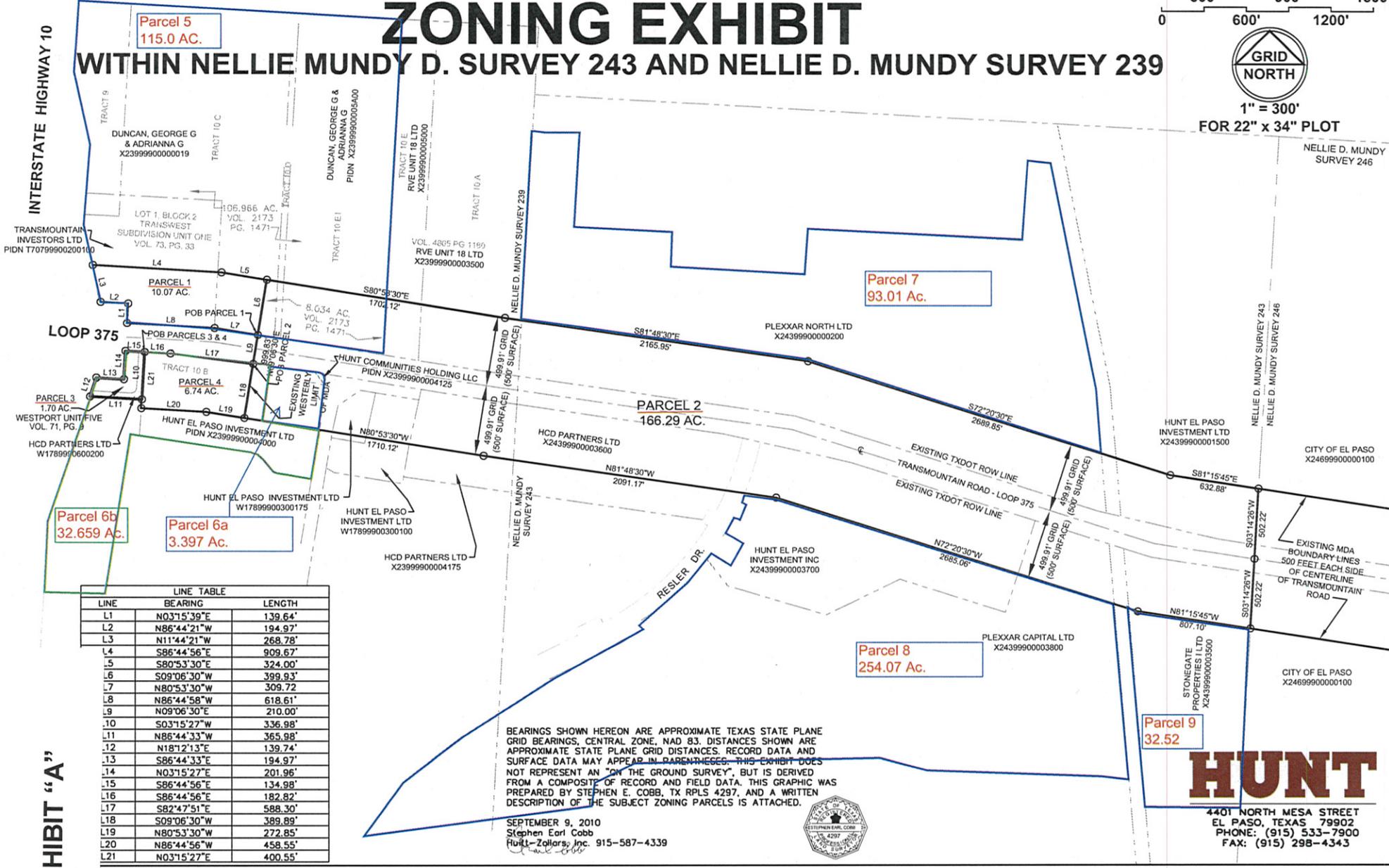
Mathew S. McElroy, Deputy Director
Planning and Economic Development Department

ZONING EXHIBIT

WITHIN NELLIE MUNDY D. SURVEY 243 AND NELLIE D. MUNDY SURVEY 239



INTERSTATE HIGHWAY 10



Parcel 5
115.0 AC.

Parcel 7
93.01 Ac.

Parcel 2
166.29 AC.

Parcel 6b
32.659 Ac.

Parcel 6a
3.397 Ac.

Parcel 8
254.07 Ac.

Parcel 9
32.52

LINE	BEARING	LENGTH
L1	N03°15'39"E	139.64'
L2	N86°44'21"W	194.97'
L3	N11°44'21"W	268.78'
L4	S86°44'56"E	909.67'
L5	S80°53'30"E	324.00'
L6	S09°06'30"W	399.93'
L7	N80°53'30"W	309.72'
L8	N86°44'58"W	618.61'
L9	N09°06'30"E	210.00'
L10	S03°15'27"W	336.98'
L11	N86°44'33"W	365.98'
L12	N18°12'13"E	139.74'
L13	S86°44'33"E	194.97'
L14	N03°15'27"E	201.96'
L15	S86°44'56"E	134.98'
L16	S86°44'56"E	182.82'
L17	S87°47'51"E	588.30'
L18	S09°06'30"W	389.89'
L19	N80°53'30"W	272.85'
L20	N86°44'56"W	458.55'
L21	N03°15'27"E	400.55'

BEARINGS SHOWN HEREON ARE APPROXIMATE TEXAS STATE PLANE GRID BEARINGS, CENTRAL ZONE, NAD 83. DISTANCES SHOWN ARE APPROXIMATE STATE PLANE GRID DISTANCES. RECORD DATA AND SURFACE DATA MAY APPEAR IN PARENTHESES. THIS EXHIBIT DOES NOT REPRESENT AN "ON THE GROUND SURVEY", BUT IS DERIVED FROM A COMPOSITE OF RECORD AND FIELD DATA. THIS GRAPHIC WAS PREPARED BY STEPHEN E. COBB, TX RPLS 4297, AND A WRITTEN DESCRIPTION OF THE SUBJECT ZONING PARCELS IS ATTACHED.

SEPTEMBER 9, 2010
Stephen Earl Cobb
Hunt-Zollars, Inc. 915-587-4339



HUNT

4401 NORTH MESA STREET
EL PASO, TEXAS 79902
PHONE: (915) 533-7900
FAX: (915) 298-4343

EXHIBIT "A"

Zoning Parcel 1

The parcel of land herein described comprises a portion of Lot 1, Block 2, Transwest Subdivision Unit One, a subdivision in the City of El Paso of record in Vol. 73 at Pg. 33, Plat Records, El Paso County, Texas, and a portion of Tract 10C, Nellie D. Mundy Survey No. 239, and is more particularly described by metes and bounds as follows [State Plane Bearings and Distances are used herein]:

Commencing for reference at the northeast corner of Lot 1, Block 6, Westport Unit Five, a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas; Thence, with the south right-of-way line of Loop 375 (Transmountain Road), South $86^{\circ}44'56''$ East 182.82 feet; Thence, continuing with the south right-of-way line of Loop 375 (Transmountain Road), South $82^{\circ}47'51''$ East 588.30 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area; Thence, crossing said Transmountain Road, $N09^{\circ}06'30''E$ 210.00 feet to the north right-of-way line of Transmountain Road, being the southwest corner of that certain 8.034 acre zoning parcel described in Vol. 2173 at Page 1471, Deed Records of said County, and being the POINT OF BEGINNING of the parcel herein described;

Thence, with the north right-of-way line of Transmountain Road, North $80^{\circ}53'30''$ West, 309.72 feet;

Thence, continuing with the north right-of-way line of Transmountain Road North $86^{\circ}44'58''$ West, 618.61 feet;

Thence, with the right-of-way transition from Transmountain Road to Interstate Highway 10, the following two courses:

- 1) North $03^{\circ}15'39''$ East, 139.64 feet; and,
- 2) North $86^{\circ}44'21''$ West, 194.97 feet;

Thence, with the east right-of-way line of said Interstate Highway 10, North $11^{\circ}44'21''$ West, 268.78 feet;

Thence, with a line that is 499.91 feet north of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following two courses:

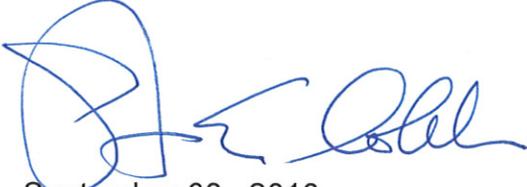
- 1) South $86^{\circ}44'56''$ East, 909.67 feet; and,
- 2) South $80^{\circ}53'30''$ East, 324.00 feet to the northwest corner of said 8.034 acre zoning parcel and at the westerly limit of the westerly tongue of the existing Mountain Development Area;

Thence, with the west boundary of said 8.034 acre parcel, South $09^{\circ}06'30''$ West, 399.93 feet; to the POINT OF BEGINNING and containing 10.071 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived

from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.



September 30, 2010



Zoning Parcel 2

The parcel of land herein described is a portion of the Mountain Development Area (MDA) defined in Appendix 111 to Title 19 (Subdivisions), City of El Paso, Texas, said Appendix 111 having been filed with the City Clerk on May 15, 2008, and made effective on June 1, 2008; and is portion of the Nellie D. Mundy Survey No. 239, and Nellie D. Mundy Survey No. 243, in the City of El Paso, El Paso County, Texas; and is more particularly described by metes and bounds as follows:

Commencing for reference at the northeast corner of Lot 1, Block 6, Westport Unit Five, a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas; Thence, with the south right-of-way line of Loop 375 (Transmountain Road), South $86^{\circ}44'56''$ East 182.82 feet; Thence, continuing with the south right-of-way line of Loop 375 (Transmountain Road), South $82^{\circ}47'51''$ East 588.30 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area, for the POINT OF BEGINNING of the parcel herein described;

Thence, crossing said Transmountain Road, $N09^{\circ}06'30''E$ 210.00 feet to the north right-of-way line of Transmountain Road, being the southwest corner of that certain 8.034 acre zoning parcel described in Vol. 2173 at Page 1471, Deed Records of said County

Thence, North $09^{\circ}06'30''$ East, with the west boundary of said 8.034 acre parcel, 399.93 feet;

Thence, with a line that is 499.91 feet north of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following four courses:

- 1) South $80^{\circ}53'30''$ East, 1,702.12 feet;
- 2) South $81^{\circ}48'30''$ East, 2,165.95 feet;
- 3) South $72^{\circ}20'30''$ East, 2,689.85 feet; and,
- 4) South $81^{\circ}15'45''$ East, 632.88 feet to the east boundary line of said Nellie D. Mundy Survey No. 243;

Thence, with the east boundary line of said Nellie D. Mundy Survey No. 243, South $03^{\circ}14'26''$ West, 502.22 feet to the centerline of Transmountain Road;

Thence, with the east boundary line of said Nellie D. Mundy Survey No. 243, South $03^{\circ}14'26''$ West, 502.22 feet;

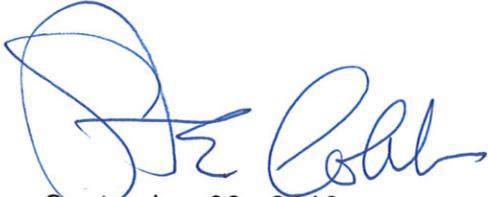
Thence, with a line that is 499.91 feet south of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following four courses:

- 1) North $81^{\circ}15'45''$ West, 807.10 feet;
- 2) North $72^{\circ}20'30''$ West, 2,685.06 feet;
- 3) North $81^{\circ}48'30''$ West, 2,091.17 feet; and,
- 4) North $80^{\circ}53'30''$ West, 1,710.12 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area;

Thence, North $09^{\circ}06'30''$ East, 389.89 feet to the POINT OF BEGINNING and containing 166.29 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.



September 30, 2010



Zoning Parcel 3

The parcel of land herein described is all of Lot 1, Block 6, Westport Unit Five (all of Westport Unit Five), a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

The **POINT OF BEGINNING** being the northeast corner of said Lot 1, Block 6, Westport Unit Five;

Thence, with the perimeter of said Westport Unit Five, the following six courses:

- 1) South 03°15'27" West, 336.98 feet;
- 2) North 86°44'33" West, 365.98 feet;
- 3) North 18°12'13" East, 139.74 feet;
- 4) South 86°44'33" East, 194.97 feet;
- 5) North 03°15'27" East, 201.96 feet; and,
- 6) South 86°44'56" East, 134.98 feet to the POINT OF BEGINNING and containing 1.70 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.



September 30, 2010



Zoning Parcel 4

The parcel of land herein described is a portion of Tract 10B, Nellie D. Mundy Survey No. 239, in the City of El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

The **POINT OF BEGINNING** being the northeast corner of Lot 1, Block 6, Westport Unit Five (the northeast corner of Westport Unit Five), a subdivision in the City of El Paso of record in Vol. 71 at Page 9, Plat Records, El Paso County, Texas;

Thence, with the south right-of-way line of Loop 375 (Transmountain Road), South 86°44'56" East 182.82 feet;

Thence, continuing with the south right-of-way line of Loop 375 (Transmountain Road), South 82°47'51" East 588.30 feet to the westerly limit of the westerly tongue of the existing Mountain Development Area

Thence, with the westerly limit of said Mountain Development Area, South 09°06'30" West, 389.89 feet;

Thence, with a line that is 499.91 feet south of (500 feet surface distance measured at right angle to each line) and parallel with the centerline of Transmountain Road, the following two courses:

- 1) North 80°53'30" West, 272.85 feet; and,
- 2) North 86°44'56" West, 458.55 feet;

Thence, North 03°15'27" East, at 63.57 feet joining the east boundary line of said Westport Unit Five, a total distance of 400.55 feet to the POINT OF BEGINNING and containing 6.74 acres.

NOTES:

Bearings cited herein are approximate Texas State Plane Grid Bearings, Central Zone, NAD 83. Distances shown are approximate State Plane Grid distances. Record data and surface data may appear in parentheses. This exhibit does not represent an "on the ground survey", but is derived from a composite of record and field data. This written description was prepared by Stephen E. Cobb, TX RPLS 4297, and a graphic exhibit of the subject zoning parcel is attached.

September 30, 2010



EXHIBIT "F"

EXH. F 1/4
PARCEL 5
Pg. 1/4

Being a portion of Tracts 10C, 10D,
10E1 and 12A and all of Tracts 9 and 11
Nellie D. Mundy Survey No. 239,
And all of lot 1, Block 2, Transwest
Subdivision Unit One
City of El Paso, El Paso County, Texas
Prepared for: Santa Fe Properties
August 30, 2010

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 10C,
10D, 10E1 and 12A and all of Tracts 9 and 11, Nellie D. Mundy
Survey No. 239, and all of Lot 1, Block 2, Transwest Subdivision
Unit One recorded in Volume 73, Page 33, Plat records City of El
Paso, El Paso County, Texas and being more particularly described
by metes and bounds as follows:

Commencing for reference at a found Texas Department of
Transportation concrete Right-of-Way Marker, at the intersection
of the Easterly line of the Nellie D. Mundy Survey No. 239 with
the northerly Right-of-Way line of Woodrow Bean Trans Mountain
Road (Loop 375):

Thence, along the northerly Right-of-Way line of said Loop 375
the following three courses:

North 85°01'20" West a distance of 111.50 feet to a point;

North 84°33'50" West a distance of 90.07 feet to a point;

North 84°06'20" West a distance of 1,661.08 feet to a point for
"THE TRUE POINT OF BEGINNING" for the herein described tract;

Thence, continuing along the northerly Right-of-Way line of said
Woodrow Bean Trans Mountain Road the following two courses:

North 84°06'20" West, a distance of 310.48 feet to a point;

North 89°57'00" West a distance of 618.01 feet to a point;

Thence along the easterly Right-of-Way line of Interstate Highway
10, the following six courses:

North 00°03'00" East a distance of 139.55 feet to a point;

North 89°57'00" West a distance of 195.00 feet to a point;

North 14°57'00" West a distance of 560.24 feet to a point;

North 00°03'00" East a distance of 575.00 feet to a point;

Parcel 5
pg. 2/4

EXHIBIT "F"

North 14°57'00" West a distance of 521.60 feet to a point;

North 00°03'00" East a distance of 519.82 to a point on the intersection of the northerly line of the Nellie D. Mundy Survey No. 239 & the Easterly Right-of-Way of Interstate Highway No. 10;

Thence leaving said easterly Right-of-Way line of Interstate Highway 10 and along the north line of the Nellie D. Mundy Survey No. 239, South 90°00'00" East a distance of 2,290.73 feet to a point;

Thence leaving said north line of the Nellie D. Mundy Survey No. 239, South 00°00'00" East a distance of 2,002.03 feet to a point;

Thence North 84°06'20" West a distance of 854.31 feet to a point;

Thence South 05°53'40" West a distance of 400.00 feet to a point for "THE TRUE POINT OF BEGINNING" and containing 106.966 acres of land more or less.

Not a ground survey.

Bearings based on Warranty deed in Volume 2133, Page 925, Real property records of El Paso County, Texas


Ron R. Conde
R.P.L.S. No. 5152



Job No. 810-89

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

Parcel 5
p. 3/4

EXHIBIT "F"

Being a portion of Tracts 10C, 10D and 10E1,
Nellie D. Mundy Survey No. 239,
City of El Paso, El Paso County, Texas
Prepared for: Phase One Realty
August 30, 2010

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 10C, 10D and 10E1, Nellie D. Mundy Survey No. 239, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found Texas Department of Transportation concrete right of way marker at the intersection of the easterly line of Nellie D. Mundy Survey No. 239 with the northerly right of way line of Woodrow Beam Trans Mountain Road (Loop 375)

Thence along the northerly right of way line of Woodrow Beam Trans Mountain Road (Loop 375) the following three courses

North 85°01'20" West a distance of 111.50 feet to a point;

North 84°33'50" West a distance of 90.07 feet to a point;

North 84°06'20" West a distance of 765.47 feet to a point for The "TRUE POINT OF BEGINNING";

Thence continuing along said right of way line, North 84°06'20" West a distance of 895.61 feet to a point;

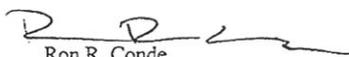
Thence leaving said right of way line, North 05°53'40" East a distance of 400.00 feet to a point;

Thence South 84°06'20" East a distance of 854.31 feet to a point;

Thence South 00°00'00" East a distance of 402.13 feet to the "TRUE POINT OF BEGINNING" and containing 8.034 acres of land more or less.

NOTE: Not a ground survey.

Bearings based on warranty deed in Volume 2133, Page 925, Real property records of El Paso County, Texas.


Ron R. Conde
R.P.L.S. No. 5152
Job# 810-89 R.C.



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE, SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283

EXHIBIT "G"

Property description: 3.397 acres, being a portion of Tract 10B and all of Tract 10B3, Nellie D. Mundy Survey 239, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is 3.397 acres, being a portion of Tract 10B and all of Tract 10B3, Nellie D. Mundy Survey 239 (June 20, 1913, Abstract #8419, Texas General Land Office records), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the easterly boundary of Westport Unit Five (Book 71, Page 9, Plat Records, El Paso County, Texas) and the southerly right-of-way of Woodrow Bean Trans-Mountain Drive (width varies, July 17, 1964, Book 78, Page 636, Deed Records, El Paso County, Texas); Thence, South 89°56'26" East, along the southerly right-of-way of Woodrow Bean Trans-Mountain Drive, a distance of 182.85 feet; Thence, South 85°59'08" East, continuing along said right-of-way, a distance of 740.75 feet to westerly boundary of that certain parcel of land described August 9, 1988, in Book 1960, Page 1298 (Parcel 6A), Deed Records, El Paso County, Texas, and the **POINT OF BEGINNING** of this description;

THENCE, South 85°59'08" East, continuing along said right-of-way, a distance of 148.98 feet;

THENCE, South 84°04'10" East, continuing along said right-of-way, a distance of 189.83 feet;

THENCE, 45.68 feet along the arc of a curve to the right, having a radius of 30.00 feet, a central angle of 87°14'33", and a chord which bears South 40°26'54" East, a distance of 41.39 feet to the westerly right-of-way of Northwestern Drive (right-of-way width varies, Westport Unit One, Book 63, Page 23, Plat Records, El Paso County, Texas);

THENCE, South 03°10'23" West, along said right-of-way, a distance of 371.87 feet;

THENCE, South 05°58'55" West, continuing along said right-of-way, a distance of 0.02 feet to the southerly boundary of that certain parcel of land described August 9, 1988, in Book 1960, Page 1298 (Parcel 6A), Deed Records, El Paso County, Texas ;

THENCE, North 84°04'06" West, along said boundary, a distance of 230.99 feet;

THENCE, North 85°59'02" West, continuing along said boundary, a distance of 142.31 feet to the westerly boundary of said parcel;

THENCE, North 04°00'58" East, along said boundary, a distance of 400.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 3.397 acres (147,971 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 10-0039J
August 27, 2010

EXHIBIT "G"

Property description: A 32.659-acre portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, and Westport Unit Five, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 32.659-acre portion of Tract 10B, Nellie D. Mundy Survey 239 (June 20, 1913, Abstract #8419, Texas General Land Office records), Tract 2, Nellie D. Mundy Survey 240 (north ½, January 26, 1956, Book 1272, Page 554, Deed Records, El Paso County, Texas), and Westport Unit Five (Book 71, Page 9, Plat Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the easterly right-of-way of U.S. Interstate Highway No. 10 (width varies, July 17, 1964, Book 78, Page 595, Deed Records, El Paso County, Texas) and the southerly right-of-way of Woodrow Bean Trans-Mountain Drive (width varies, July 17, 1964, Book 78, Page 636, Deed Records, El Paso County, Texas), said intersection also being the northwest corner of Westport Unit Five and the **POINT OF BEGINNING** of this description;

THENCE, South 89°56'03" East, along the southerly right-of-way of Woodrow Bean Trans-Mountain Drive, a distance of 317.85 feet;

THENCE, South 85°59'08" East, continuing along said right-of-way, a distance of 740.75 feet to the easterly boundary of that certain parcel of land described August 9, 1988, in Book 1960, Page 1298 (Parcel 6), Deed Records, El Paso County, Texas;

THENCE, South 04°00'58" West, along said boundary, a distance of 400.00 feet to the southerly boundary of said parcel;

THENCE, South 85°59'02" East, along said boundary, a distance of 142.31 feet;

THENCE, South 84°04'06" East, continuing along said boundary, a distance of 230.99 feet to the westerly right-of-way of Northwestern Drive (right-of-way width varies, Westport Unit One, Book 63, Page 23, Plat Records, El Paso County, Texas);

THENCE, South 05°58'55" West, along said right-of-way, a distance of 354.08 feet to the northerly boundary of Westport Unit Seven Amending Subdivision (Book 76, Page 36, Plat Records, El Paso County, Texas);

THENCE, North 84°10'06" West, along said boundary, a distance of 223.72 feet;

THENCE, 89.29 feet continuing along said boundary and along the arc of a curve to the right, having a radius of 120.00 feet, a central angle of 42°37'53", and a chord which bears North 62°51'10" West, a distance of 87.24 feet;

THENCE, North 41°32'13" West, continuing along said boundary, a distance of 74.62 feet;

THENCE, 104.17 feet continuing along said boundary and along the arc of a curve to the left, having a radius of 140.00 feet, a central angle of 42°37'53", and a chord which bears North 62°51'10" West, a distance of 101.78 feet;

THENCE, North 84°10'06" West, continuing along said boundary, a distance of 859.08 feet to the westerly boundary of Westport Unit Seven Amending Subdivision;

THENCE, South 05°49'54" West, along said boundary, a distance of 1295.30 feet to the northerly right-of-way of Hoover Avenue (70-foot right-of-way, Westport Unit One);

THENCE, South 84°35'44" West, along said right-of-way, a distance of 416.28 feet to the easterly right-of-way of U.S. Interstate Highway No. 10;

THENCE, North 00°04'19" East, along said right-of-way, a distance of 662.60 feet;

THENCE, North 15°00'53" East, continuing along said right-of-way, a distance of 1085.61 feet;

THENCE, South 89°55'53" East, continuing along said right-of-way, a distance of 195.00 feet;

THENCE, North 00°04'07" East, continuing along said right-of-way, a distance of 202.00 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 32.659 acres (1,422,644 square feet) of land more or less.

EXHIBIT "G"

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 10-00391
September 7, 2010

Exh. H. 1/4
Parcel 57

Being a portion of Tract 1A1,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: Hunt/Plexxar
January 27, 2004
(PARCEL 1A)

EXHIBIT "H"

— 9.301 Acres

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for Reference at a point being the intersection of the northerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Nellie D Mundy Surveys No. 239 and 243. Thence along said common boundary line North 00°02'07" East a distance of 401.51 feet to a point for The "TRUE POINT OF BEGINNING".

- Thence North 00°02'07" East a distance of 1353.10 feet to a point;
- Thence South 85°42'48" East a distance of 106.26 feet to a point;
- Thence North 85°51'57" East a distance of 226.65 feet to a point;
- Thence South 00°02'51" West a distance of 678.45 feet to a point;
- Thence South 89°57'19" East a distance of 693.95 feet to a point;
- Thence South 00°02'31" West a distance of 245.91 feet to a point;
- Thence South 89°57'19" East a distance of 957.40 feet to a point;
- Thence North 00°02'58" East a distance of 331.84 feet to a point;
- Thence South 89°56'53" East a distance of 1522.68 feet to a point;
- Thence North 00°03'03" East a distance of 574.76 feet to a point;
- Thence South 87°17'03" East a distance of 164.98 feet to a point on the westerly right-of-way line of El Paso Natural Gas Company right of way;

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15708

Vertical text on the right margin, possibly a page number or reference code.

Exh. H. 4/4
Parcel 9

EXHIBIT "H"

Being a portion of Tract 3B, Nellie D. Mundy
Survey No. 242, and a portion of Tract 2C,
Nellie D. Mundy Survey No. 243,
City of El Paso, El Paso County, Texas
Prepared for: HuntPlexxar
January 27, 2004
(PARCEL 9A) = 32.52 AC.

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 3B, Nellie D. Mundy Survey No. 242,
and a portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County,
Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a point on the intersection of the southerly right of way line of
Woodrow Bean Transmountain Drive (Loop 375), with the easterly line of an 100' El Paso
Natural Gas Company right of way, Thence along the easterly right-of-way line of El Paso
Natural Gas Company right of way South 08°01'01" West a distance of 433.65 feet to a point
for The "TRUE POINT OF BEGINNING".

Thence leaving said right-of-way line South 75°31'42" East a distance of 66.19 feet to
a point;

Thence South 84°27'31" East a distance of 808.39 feet to a point;

Thence South 00°03'24" West a distance of 1740.44 feet to a point;

Thence South 00°02'20" West a distance of 178.82 feet to a point;

Thence North 89°57'46" West a distance of 583.27 to a point on the easterly line of an
El Paso Natural Gas Company right of way;

Thence along said right-of-way line North 08°01'01" West a distance of 2033.35 feet to the
TRUE POINT OF BEGINNING" and containing in all 32.52 acres of land more or less.

RR
Ron R. Conde
R.P.L.S. No. 5152



job #1202-78-9A.R.C.
LGL-04\120278-9A.LGL

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ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592 0283

1570
15708

2004

M E M O R A N D U M

DATE: October 5, 2010

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: ZON10-00076

The City Plan Commission (CPC), on September 23, 2010, voted **5-0** to recommend **APPROVAL** of the zoning condition release and amendment.

The CPC found that the zoning condition release and amendment is in conformance with the Plan for El Paso. The CPC also determined that the zoning condition release and amendment 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 zoning condition release and amendment 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: ZON10-00076
Application Type: Zoning Condition Release and Amendment
CPC Hearing Date: September 23, 2010
Staff Planner: Arturo Rubio, 915-541-4633, rubioax@elpasotexas.gov

Location: East of I-10 and approximately 2 miles east and adjacent to Transmountain Road
Legal Description: All of Westport Unit Five, City of El Paso, El Paso County, Texas, A portion of Tracts 10B and all of Tract 10B3, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 10B, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; A portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, Hoover Avenue and Northwestern Drive and all of Westport Unit Five and Westport Unit Seven Amending Subdivision, City of El Paso, El Paso County, Texas; A portion of Tracts 10A and 10E, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; All of Tract 10B3, Nellie D. Mundy Survey 239, City of El Paso, El Paso County, Texas; All of Lot 1A, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; All of Lot 1, Block 3, Westport Unit Three, City of El Paso, El Paso County, Texas; A 7.590 acre portion of Tract 2D, Nellie D. Mundy Survey 243 and Resler Drive right-of-way, City of El Paso, El Paso County, Texas; A 22.230-acre portion of Tract 2D, Nellie D. Mundy Survey 243 and Tract 10B4, Nellie D. Mundy Survey 239 City of El Paso, El Paso County, Texas; A 24.951-acre portion of Tract 2E, Nellie D. Mundy Survey 243 and Resler Drive right-of-way, City of El Paso, El Paso County, Texas; An 8.340-acre portion of Tract 2C, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; An 8.904-acre portion of Tract 1D, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas; A 39.089-acre portion of Tract 1A1, Nellie D. Mundy Survey 243, City of El Paso, El Paso County, Texas, A portion of Tracts 10C, 10D, 10E1 and 12A and all of Tracts 9 and 11, Nellie D. Mundy Survey No. 239, and all of Lot 1, Block 2, Transwest Subdivision Unit One, City of El Paso, El Paso, County, Texas; A portion of Tracts 10C, 10D and 10E1, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas

Acresage: Approximately 341.35 acres
Rep District: 1
Zoning: C-3/c (Commercial/conditions), C-4/c (Commercial/conditions), C-4/sc (Commercial/special contract), and C-4/sc/sp (Commercial/special contract/special permit)
Existing Use: Convenience store/Restaurant/Vacant
Request: Release all zoning conditions and special contract imposed by: Ordinance No. 9364, Ordinance No. 15708, Ordinance No. 011540, Ordinance No. 010052, Ordinance No. 16241, Resolution dated April 26, 1988 and Contract dated August 9, 1988 and Contract Amendment dated April 26, 1988 and impose new conditions
Property Owner: Transmountain Development Company LP, Hunt El Paso Investment LTD, Westport Improvement Association, Plexxar Capital LTD, Hill 262 Partners LTD, Plexxar North LTD, RVE Unit 18 LTD, George Duncan (TR), and Transmountain Investors LTD.
Applicant: City of El Paso
Representative: City of El Paso

DISTRICT: 1
STAFF CONTACT: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

SURROUNDING ZONING AND LAND USE

North: R-3/sp (Residential/special permit), A-O (Apartment-Office), C-4/c (Commercial/conditions), and R-3A (Residential) / Vacant
South: C-4/c (Commercial/conditions) / Warehouses and Restaurant; C-3/c (Commercial/conditions) / Vacant
East: A-O (Apartment-Office), R-3A (Residential), C-4/c (Commercial/conditions), and PMD (Planned Mountain Development) / Vacant
West: C-4 (Commercial) / Outlet Mall, Restaurant, Gas Station, and Interstate-10 Freeway; C-4/c (Commercial/conditions) / Vacant

Plan for El Paso Designation: Mixed Use, Commercial, and Industrial (Northwest Planning Area)
Nearest Park: Westside Park (6,104 feet)
Nearest School: Canutillo Middle (3,884 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, September 7, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

This is a City initiated application to release all conditions imposed by Ordinance No.9364, Ordinance No. 015708, Ordinance No. 011540, Ordinance 010052, Ordinance No. 16241, Resolution dated April 26, 1988, Contract dated August 9, 1988 and Contract Amendment dated September 13, 1988 (see attachments 5-12). The conditions proposed to be released include a 40' foot landscape buffer, 75' **special building setback line**, detailed site development plan review, dedication and monetary contribution for a fire station, platting requirement and dedication of right-of-way (see attachments 5-12). As part of the zoning condition and special contract release, additional conditions will be imposed as well as retain conditions from the above referenced Ordinances that do not relate to landscaping and where Planning Division recommends for such conditions to remain.

Special Contract Conditions as part of Rezoning Ordinance No. 9364 proposed to be released:

1. Prior to the issuance of a building permit (s) for any parcel, a subdivision plat must be filed of record for said parcel.
2. First party shall contribute money toward the construction of two (2) entrance/exit ramps at the south side of Arcraft Road and Interstate 10 in El Paso in accordance with provisions
3. Prior to final approval of any subdivision plats in parel 2, the first party must dedicate a fire station site to second party . The fire station site must have one hundred seventy five (175) feet of frontage on the proposed Resler Drive at an intersection with a dedicated side street and a depth of 158 ft.
4. As amended, A 75-foot special building setback line (S.B.S.L.) shall be established along the north portions of Parcels 1C, 2A, 6, and 6A adjacent to Woodrow Bean Transmountain Drive. The S.B.S.L. shall only be required until such time as the property owner dedicates 75 feet of right-of-way to the City through a subdivision plat. The 75-foot S.B.S.L and the 75 feet dedicated shall not be graded or developed so that the natural vegetation and topsoil remain intact except as is required for driveways and streets.

Rezoning Conditions imposed by Ordinance 15708 proposed to be released:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) Foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and Shall be completed prior to the issuance of any certificates of occupancy.

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Rezoning Conditions imposed by Ordinance 16241 proposed to be released:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage Roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer may satisfy the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" (see attachments) and shall be constructed prior to the issuance of any certificate of occupancy.

Rezoning Conditions imposed by Ordinance 010052 proposed to be released:

1. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and by the Mayor and City Council.
2. Prior to the issuance of any building permits, a subdivision plat must be filed of record with the County Clerk. If the property is developed in phases, each phase must be subdivided.
3. Prior to the issuance of any building permits, a traffic impact study of the proposed development must be submitted to the City Traffic and Transportation Department. The Traffic study must show traffic generation and distribution for the time period covered by each phase of construction.
4. A 75-foot wide special building setback (S.B.S.L) line shall be established adjacent to Woodrow Bean Transmountain Drive until such time as the property owner dedicates the required right-of-way to the City for the widening of the roadway. This 75-foot wide S.B.S.L shall not be graded or developed so that the natural vegetation and top soil remain in tact except for necessary driveways and streets. In addition this 75-foot additional setback, a 20-foot wide landscaped area shall be provided adjacent to the S.B.S.L.

Rezoning Condition imposed by Ordinance 011540 proposed to be released:

The applicant must submit a site development plan for review and approval by the City Plan commission and the Mayor and City Council for Parcels 2 and 3, prior to the issuance of any building permits. Parcel 1, however, will be developed in accordance with the site plan (dated July 26, 1993) attached hereto and marked as Exhibit "B".

New Proposed Conditions to be imposed:

That the property identified in **Exhibit A**, and further described below, be subject to the conditions as defined below:

a. That Parcel 1, approximately 10.07 acres, described as *A portion of Lot 1, Block 2, Transwest Subdivision, Unit One, and a Portion of Tract 10C, Nellie D. Mundy Survey No. 239; El Paso County*, and more particularly described in the metes and bounds attached in **Exhibit B**; Parcel 2, described as *A portion of the Nellie D. Mundy Survey No. 239 and Nellie D. Mundy Survey No.243, City of El Paso, County of El Paso*, and more particularly described in the metes and bounds attached in **Exhibit C**; and Parcel 3, described as *All of Lot 1, Block 6, Westport Unit Five,(All of Westport Unit Five) El Paso City, County of El Paso, Texas* and more particularly described in the metes and bounds attached in **Exhibit D**; and Parcel 4 described as *A portion of Tract 10B, Nellie D. Mundy Survey No. 239*, and more particularly described in the metes and bounds attached in **Exhibit E**; be subject to the following condition:

That the following signage standards, in addition to those standards in the City Code, shall also apply to all property within 100 feet of the Transmountain Road right-of-way line.

(1) Lots larger than six acres.

(a) Only monument signs shall be permitted and signs shall have a 100 percent width base constructed of unpainted brick or stone or other natural material e.g. adobe or rammed earth.

(b) No more than 2 (two) monument signs will be permitted per lot, except that 1 (one) monument sign in addition shall be permitted at each driveway entrance permitted by TXDOT provided that driveways are spaced at least 300 feet apart but in no case shall the number of signs exceed 4 (four).

(d) No digital (LED or other technology) signs are permitted except that digital price signs may be permitted at gasoline stations.

(e) Signs, excluding the base, shall not exceed 250 sqft in area and shall not exceed 20 feet in height.

(f) All pole and outparcel signs are prohibited.

(2) Lots equal to or less than 6 acres.

(a) Only monument signs shall be permitted and signs shall have a 100 percent width base constructed of unpainted brick or stone or other natural material e.g. adobe or rammed earth.

(b) No more than 1 monument sign will be permitted per lot, except that 1 (one) additional monument sign shall be permitted at each driveway entrance permitted by TXDOT provided that driveways are spaced at least 300 feet apart. In no case shall the number of signs exceed 2 (two).

(c) No digital (LED or other technology) signs are permitted except that digital price signs may be permitted at gasoline stations.

(d) Signs, excluding the base, shall not exceed 250 sqft in area and shall not exceed 20 feet in height.

(e) All pole and outparcel signs are prohibited.

b. That Parcels, 1, 2, and 4, described above are subject to the following additional conditions:

(1) A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

(2) Prior to the issuance of a certificate of occupancy, the applicant shall install a 15-foot landscape buffer along the Right of Way (ROW) line. The 15 foot landscape buffer shall include a **tree species** spaced 30 feet on center and staggered from those installed by the Texas Department of Transportation. The landscape buffer shall also include drought tolerant plants spaced at intervals approximating the Resler hike and bike trail and as detailed in the Detailed Site Development Plan. The landscape buffer shall be irrigated per Title 18 of the city code. The landscape buffer shall be included in the calculation for required commercial landscaping under the landscape standards of Title 18.

c. That Parcel 2 describe above, is subject to the following additional condition:

(1) Vegetation and Revegetation shall apply for any improvements on site requiring any City building permit as follows.

(a) Vegetation and revegetation shall be required on all disturbed areas and shall be irrigated if necessary. If in the course of construction of buildable areas areas (buildable area is an area which is planned to become a parking facility, building, street drainage facility, park, or other built structure), non-buildable areas are disturbed areas, the developer shall restore the formally undisturbed non-buildable area through the replanting of appropriate native, adaptive and drought tolerant revegetation to mitigate soil erosion. For purposes of this requirement, appearance features which are compatible with the area shall be allowed if when approved by the Deputy Director for Planning and Economic Development – Planning.

(b) Existing natural vegetation on the property shall be retained in its natural state, except where necessary for the construction of subdivision improvements and buildings or to replace or improve undesirable vegetation.

(c) To ensure proper vegetation, a Vegetation Preservation and Protection Report shall be required containing all of the following information:

- (i) General description of existing vegetation and proposed use of new vegetation;
- (ii) The vegetation to be removed and method of disposal;
- (iii) The vegetation to be planted;
- (iv) Slope stabilization measures to be installed.

(d) Revegetation and approval of all submitted reports shall be completed prior to the issuance of any certificates of occupancy.

(e) In no case shall the revegetation requirement apply to required landscaping or reduce the required landscape buffer in condition 2 above.

3. That Parcel 5, described as *Tracts 9, 10-C, 10-D, 10-E-1, 11 and 12-A Nellie D Mundy Survey No. 239 and Lot 1, Block 2, Transwest Subdivision Unit One, City of El Paso, El Paso County, Texas*, and more particularly described in the metes and bounds attached in **Exhibit F** be subject to the conditions as defined below:

- a. A detailed site development plan shall be approved per city code prior to the issuance of any building permits.
- b. A subdivision plat shall be submitted prior to development of the land.
- c. A traffic impact study shall be required prior to development of the land.

4. That Parcel 6a, described as *3.97 acres, being a portion of Tract 10B and all of Tract 10B3, Nellie D Mundy Survey No. 239, El Paso County, Texas* and Parcel 6b a *32.659 acre portion of Tract 10B, Nellie D. Mundy Survey 239, Tract 2, Nellie D. Mundy Survey 240, and Westport Unit Five, El Paso, El Paso County, Texas* and more particularly described in the metes and bounds attached in **Exhibit G** be subject to the conditions as defined below:

A detailed site development plan shall be approved per city code prior to the issuance of any building permits.

5. That Parcels 7,8 and 9 described as *A parcel of land being a portion Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas, A portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No. 242, and all of Tract 2A and a portion of Tract 2E Nellie D. Mundy Survey No. 243 City of El Paso, El Paso County Texas and a portion of Tract 3B, Nellie D. Mundy Survey No. 242, City of El Paso, El Paso County Texas, A portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas* and more particularly described in the metes and bounds attached in **Exhibit H** be subject to the conditions as defined below:

A ten foot landscape buffer shall be place between any commercial district and residential or apartment district.

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

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

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

The purpose of C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

The purpose of C-4 (Commercial) districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

PLANNING DIVISION RECOMMENDATION

Planning Division recommends **approval** of the zoning condition and special contract release and imposing additional conditions.

Open Space Advisory Board (OSAB)

On September 16, 2010 the Open Space Advisory Board recommended denial of the zoning and special contract condition release. In addition the OSAB recommended that additional conditions be placed on the portion of the property currently located in the MDA that is adjacent to the north part of the gas line road. The condition is in reference to the cut and fill restrictions in the MDA requirements. However, should the City Council proceed with an approval of the condition release, the OSAB recommends that the cut and fill requirements of the MDA be added to the new conditions of the release.

On September 30, 2010 the Open Space Advisory Board reconsidered the zoning and special contract condition release. In addition to the previous recommendation above, the OSAB recommended that an additional 10 foot buffer be added to the conditions recommended by planning.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for zoning and special contract condition release and offered no objections to the Planning Staff's recommendation for **approval** of the zoning and special contract condition release.

Development Services Department - Building Permits and Inspections Division

Plan Review: Plan Review has no objections to the release of Conditions

Landscape: No comments received.

Development Services Department – Subdivision Plan Review

1. Due to the subdivision being within an area in a Special Flood Hazard Area (AH, A2, B) applicant shall coordinate with Floodplain Coordinator for the requirements and compliance of Special Flood Hazard Area.
2. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
3. Grading plan and permit shall be required.*
4. Storm Water Pollution Prevention Plan and/or permit required.*
5. Drainage plans must be approved by the Development Services Department, Engineering Section.*
6. Coordination with TXDOT
7. The Subdivision is within Flood Zone AH- " Areas of 100-year shallow flooding where depths are between 1 and 3 feet, base flood elevations are shown", within Flood Zone A2 " Areas of 100-year flood, base flood elevations and flood hazard determined", within Flood Zone C - "Areas of minimal flooding, (No shading)." - Panels # 480214 0011C, 480214 0012C, 480214 0016C, and 480214 0017C, dated February 5, 1986.

* This requirement will be applied at the time of development.

Engineering Department - Traffic Division

No objection to release of existing conditions and imposition of new conditions per City Council action on 8/17/10.

Street Department

No comments received.

Fire Department

El Paso Fire Department has no objections to release of conditions.

El Paso Water Utilities

No comments received.

Sun Metro

Sun Metro does not oppose this request.

CITY PLAN COMMISSION OPTIONS

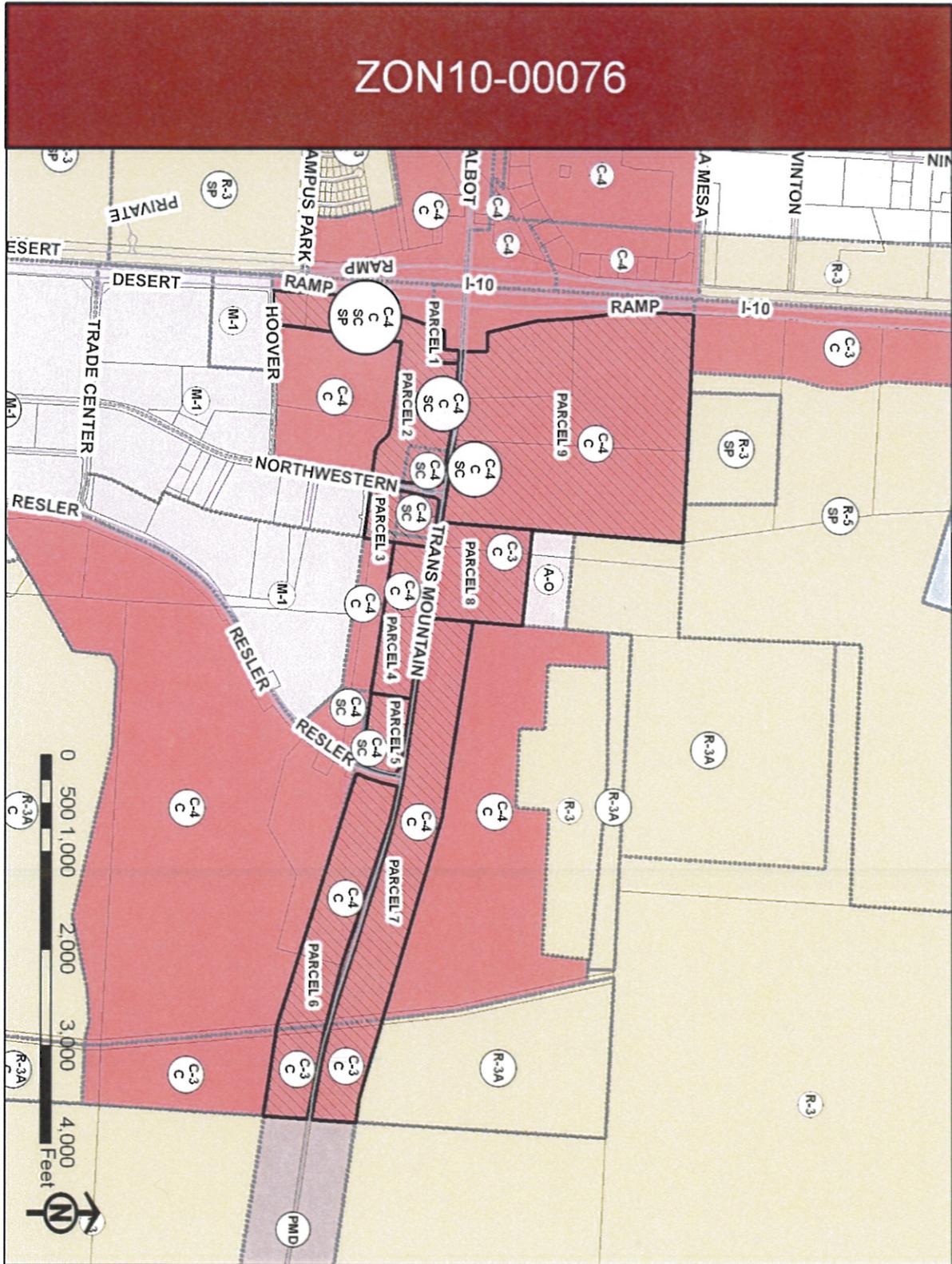
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the Zoning Condition Release application:

1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the 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 zoning condition release does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Ordinance labels on map
- Attachment 4: Survey Map
- Attachment 5: Ordinance Attachment
- Attachment 6: Ordinance Attachment
- Attachment 7: Ordinance Attachment
- Attachment 8: Ordinance Attachment
- Attachment 9: Ordinance Attachment
- Attachment 10: Ordinance Attachment
- Attachment 11: Ordinance Attachment
- Attachment 12: Ordinance Attachment

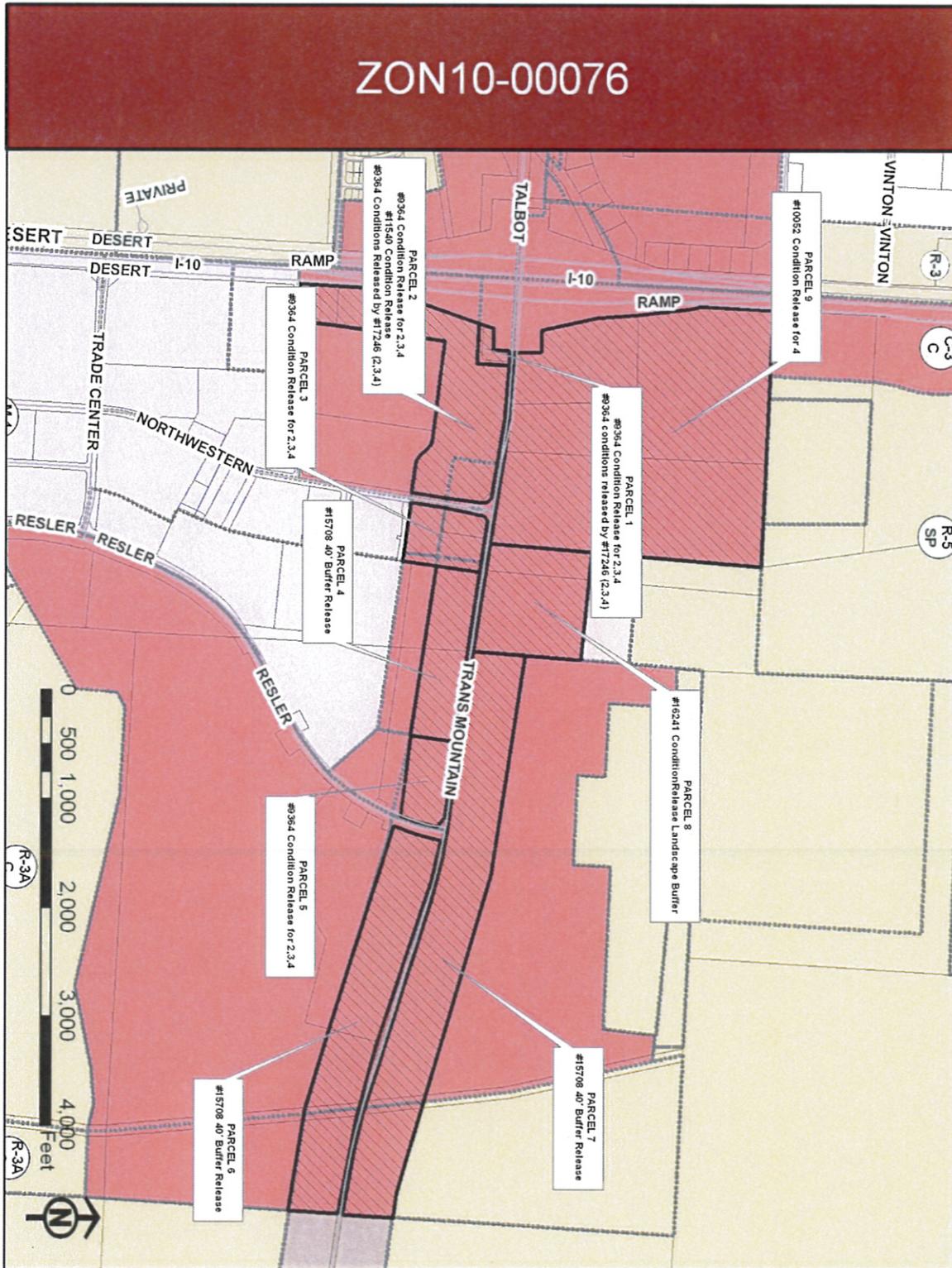
ATTACHMENT 1: ZONING MAP

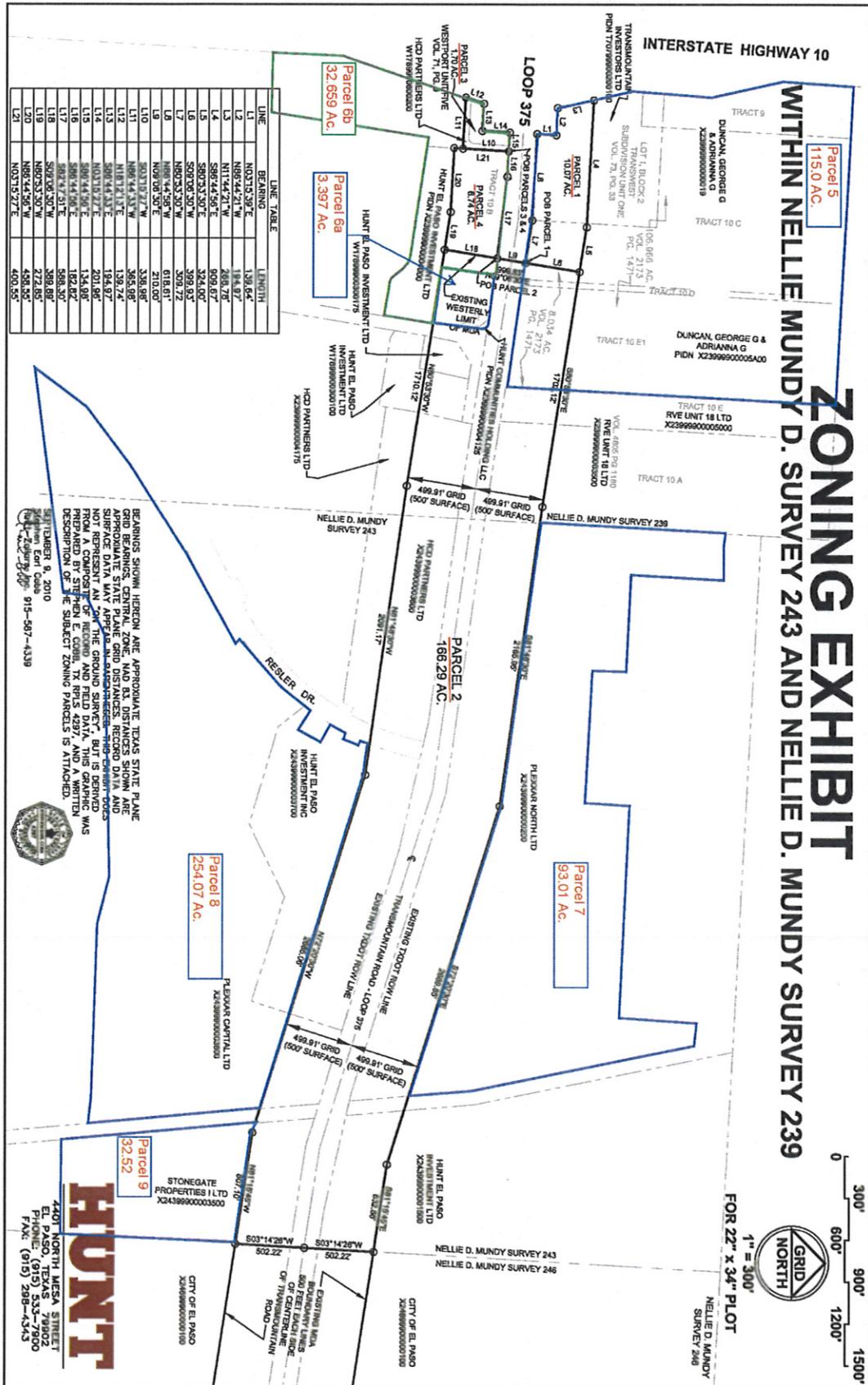


ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: ORDINANCE LABELS ON MAP





ATTACHMENT 5: REZONING ORDINANCE No. 9364

P. Mundy, 004-1001
1007

9364
1988

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF NELLIE D. MUNDY SURVEYS NO. 239,
240 AND 243; A PORTION OF TRACTS 61 AND 62, W.H. GLENN
SURVEY NO. 241; A PORTION OF TRACT 1B, S.J. LARKIN
SURVEY NO. 266; A PORTION OF TRACT 6, W.H. LENOX SURVEY
NO. 432; AND PORTIONS OF TRACTS 1 AND 8, S.A. AND
M.G. SURVEY NO. 266.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W.H. Glenn Survey No. 241; a portion of Tract 1B, S.J. Larkin Survey No. 266; a portion of Tract 6, W.H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S.A. and M.G. Survey No. 266, as more particularly described by metes and bounds in the attached Exhibit "A" (pages 1 - 15), be changed as follows:

- Parcel No. 1: from R-3 (Residential) to C-4 (Commercial) - 8.425 acres
- Parcel No. 1C: from PMD (Planned Mountain District) to C-4 (Commercial) - 7.581 acres
- Parcel No. 2: from R-3 (Residential) to M-1 (Light Manufacturing) - 273.607 acres
- Parcel No. 2A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 19.077 acres
- Parcel No. 3: from R-3 (Residential) to C-4 (Commercial) - 132.273 acres
- Parcel No. 4: from R-3 (Residential) to A-2 (Apartment) - 16.241 acres
- Parcel No. 5: from A-2 (Apartment) to C-4 (Commercial) - 4.255 acres
- Parcel No. 6: from R-3 (Residential) to M-1 (Light Manufacturing) - 67.329 acres
- Parcel No. 6A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 3.397 acres

009364
Contract 8-9-88
88-5353

RECEIVED
AUG 18 1988
PLANNING DEPT.
LAND DEVELOPMENT

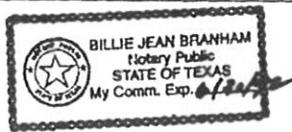
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

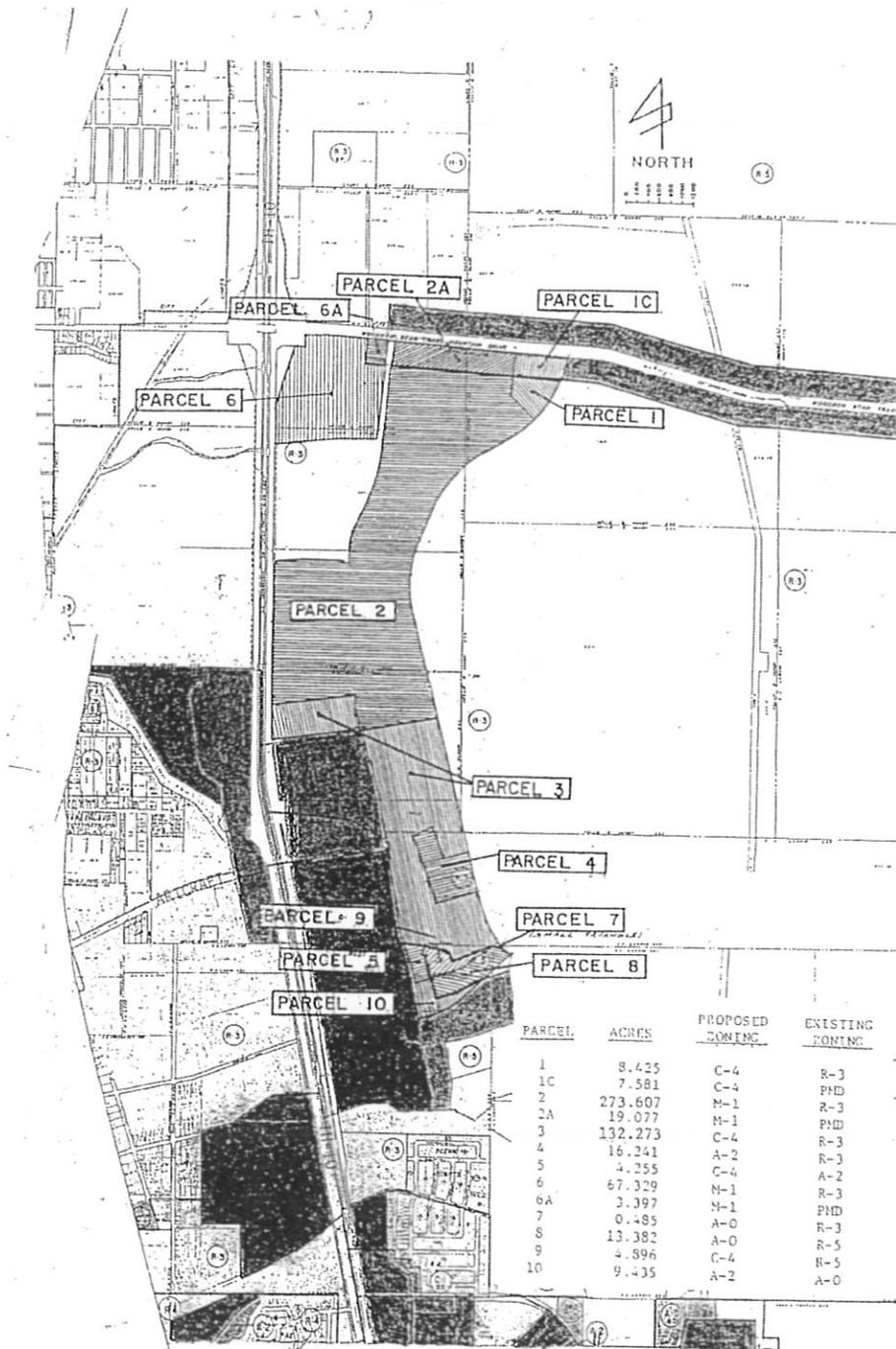
This instrument was acknowledged before me on this 100 day
of August, 1988, by JONATHAN W. ROGERS, as Mayor
of THE CITY OF EL PASO.

My Commission Expires:

Billie Jean Branham
Notary Public, State of Texas
Notary's Printed or Typed Name:

ENG6:5353.88
08/09/88



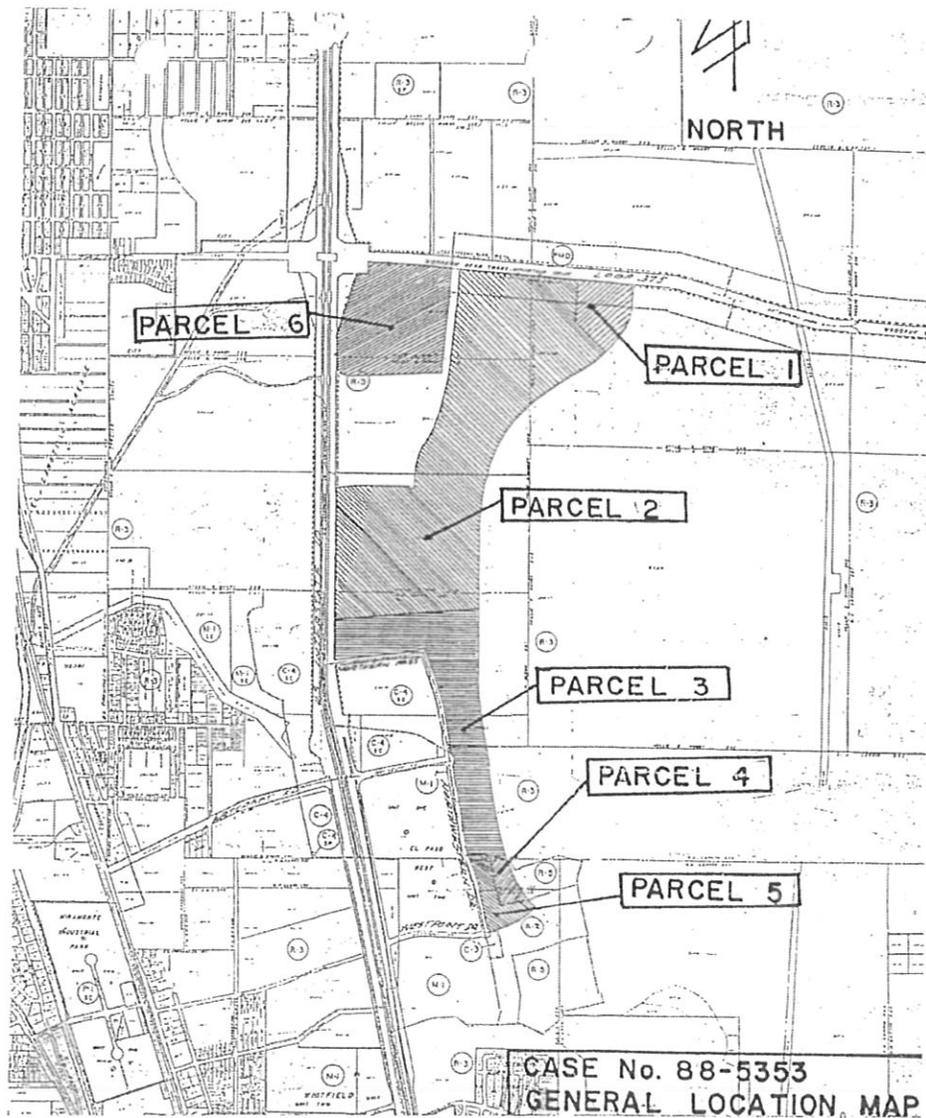


PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
1	8.435	C-4	R-3
1C	7.581	C-4	PMD
2	273.607	M-1	R-3
2A	19.077	M-1	PMD
3	132.273	C-4	R-3
4	16.241	A-2	A-2
5	4.255	C-4	R-3
6	67.329	M-1	A-2
6A	3.397	M-1	R-3
7	0.485	M-1	PMD
8	13.382	A-O	R-3
9	4.596	A-O	R-5
10	9.435	C-4	R-5
		A-2	A-O

Full area 560.383

**CASE NO. 88-5353
GENERAL LOCATION MAP**

Special Contract - Map



DHDCC MEETING February 3, 1988 - FIELD CHECK ZONING CASES

*Will
be reviewed
separately*

Portions of W. H. Glenn Survey #241 and portions of Nellie Mundy Survey 239 & 240

16.591	acres	(Parcel 1 - from R-3 and PMD to C-4)	
276.93	"	(" 2 - from R-3 and PMD to M-1)	
84.464	"	(" 3 - from R-3 to C-4)	
6.305	"	(" 4 - from R-5 to C-4)	to permit commercial & manufacturing
12.186	"	(" 5 - from A-2 to C-4)	uses
71.509	"	(" 6 - from R-3 to M-1)	

DHDCC FINAL REVIEW DATE - February 10, 1988
 CPC PUBLIC HEARING DATE - February 25, 1988

1

ATTACHMENT 6: RESOLUTION IMPOSING SPECIAL CONTRACT FOR ORDINANCE NO.

9364

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 LAWYER'S TITLE, INC., Trustee for Westside Joint Venture, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 00570, more particularly described as a portion of Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W.H. Glenn Survey No. 241; a portion of Tract 1B, S.J. Larkin Survey No. 266; a portion of Tract 6, W.H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S.A. and M.G. Survey No. 266, City and County of El Paso, Texas.

ADOPTED this 26th day of April, 1988.

Mayor

TEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

C. [Signature]
Assistant City Attorney

ZNG6:5353.88

RECEIVED

AUG 17 1988

PLANNING DEPT.
LAND DEVELOPMENT

- Parcel No. 5: from A-2 (Apartment) to C-4 (Commercial) - 4.255 acres
- Parcel No. 6: from R-3 (Residential) to M-1 (Light Manufacturing) - 67.329 acres
- Parcel No. 6A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 3.397 acres
- Parcel No. 7: from R-3 (Residential) to A-0 (Apartment/Office) - 0.485 acres
- Parcel No. 8: from R-5 (Residential) to A-0 (Apartment/Office) - 13.382 acres
- Parcel No. 9: from R-5 (Residential) to C-4 (Commercial) - 4.896 acres
- Parcel No. 10: from A-0 (Apartment/Office) to A-2 (Apartment) - 9.435 acres

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of a building permit(s) for any parcel, a subdivision plat must be filed of record for said parcel.
2. First Party shall contribute money toward the construction of two (2) entrance/exit ramps at the south side of Artcraft Road and Interstate 10 in El Paso in accordance with the following provisions:
 - a. Prior to the City Engineer's final signature on any subdivision plat, First Party shall obtain a proportionate release for each plat by contributing an amount calculated according to the following formula:

$$\frac{\text{Acres of land to be released}}{560.4 \text{ acres}} \times \$500,000 \times \frac{\text{Artcraft Interchange Cost Index}}{\text{Interchange Cost Index}}$$

The "Artcraft Interchange Cost Index" shall be the most current Construction Cost Index published in the Engineering News Record as of the date the City Engineer signs

1960 1299

- Parcel No. 5: from A-2 (Apartment) to C-4 (Commercial) - 4.255 acres
- Parcel No. 6: from R-3 (Residential) to M-1 (Light Manufacturing) - 67.329 acres
- Parcel No. 6A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 3.397 acres
- Parcel No. 7: from R-3 (Residential) to A-0 (Apartment/Office) - 0.485 acres
- Parcel No. 8: from R-5 (Residential) to A-0 (Apartment/Office) - 13.382 acres
- Parcel No. 9: from R-5 (Residential) to C-4 (Commercial) - 4.896 acres
- Parcel No. 10: from A-0 (Apartment/Office) to A-2 (Apartment) - 9.435 acres

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of a building permit(s) for any parcel, a subdivision plat must be filed of record for said parcel.
2. First Party shall contribute money toward the construction of two (2) entrance/exit ramps at the south side of Artcraft Road and Interstate 10 in El Paso in accordance with the following provisions:
 - a. Prior to the City Engineer's final signature on any subdivision plat, First Party shall obtain a proportionate release for each plat by contributing an amount calculated according to the following formula:

Acres of land		Artcraft
<u>to be released</u>	X \$500,000 X	Interchange
560.4 acres		Cost Index

The "Artcraft Interchange Cost Index" shall be the most current Construction Cost Index published in the Engineering News Record as of the date the City Engineer signs

1960 1299

- Parcel No. 5: from A-2 (Apartment) to C-4 (Commercial) - 4.255 acres
- Parcel No. 6: from R-3 (Residential) to M-1 (Light Manufacturing) - 67.329 acres
- Parcel No. 6A: from PMD (Planned Mountain District) to M-1 (Light Manufacturing) - 3.397 acres
- Parcel No. 7: from R-3 (Residential) to A-0 (Apartment/Office) - 0.485 acres
- Parcel No. 8: from R-5 (Residential) to A-0 (Apartment/Office) - 13.382 acres
- Parcel No. 9: from R-5 (Residential) to C-4 (Commercial) - 4.896 acres
- Parcel No. 10: from A-0 (Apartment/Office) to A-2 (Apartment) - 9.435 acres

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of a building permit(s) for any parcel, a subdivision plat must be filed of record for said parcel.
2. First Party shall contribute money toward the construction of two (2) entrance/exit ramps at the south side of Artcraft Road and Interstate 10 in El Paso in accordance with the following provisions:
 - a. Prior to the City Engineer's final signature on any subdivision plat, First Party shall obtain a proportionate release for each plat by contributing an amount calculated according to the following formula:

<u>Acres of land</u>				Artcraft
<u>to be released</u>	X	\$500,000	X	Interchange
560.4 acres				Cost Index

The "Artcraft Interchange Cost Index" shall be the most current Construction Cost Index published in the Engineering News Record as of the date the City Engineer signs

1960 1299

ATTACHMENT 8: SPECIAL CONTRACT AMENDMENT FOR ORDINANCE NO. 9364

THE STATE OF TEXAS)
)
COUNTY OF EL PASO) CONTRACT AMENDMENT

THIS Contract Amendment is made this 13th day of September, 1988 by and between WESTSIDE JOINT VENTURE and LAWYER'S TITLE OF EL PASO as Trustee for WESTSIDE JOINT VENTURE, collectively referred to as First Party, and the CITY OF EL PASO, Second Party.

WHEREAS, on August 9, 1988, First Party and the CITY OF EL PASO entered into a contract in connection with Ordinance Number 9364 which rezoned a portion of Nellie D. Mundy Surveys No. 239, 240 and 243; a portion of Tracts 61 and 62, W. H. Glenn Survey No. 241; a portion of Tract 1B, S. J. Larkin Survey No. 266; a portion of Tract 6, W. H. Lenox Survey No. 432; and portions of Tracts 1 and 8, S. A. and M. G. Survey No. 266, City and County of El Paso, Texas; and

WHEREAS, the Parties hereto wish to amend such contract as hereinafter provided;

NOW, THEREFORE, the Parties do mutually agree to amend the contract by deleting condition number four and by adding following condition:

- 4. A 75-foot Special Building Setback Line (S.B.S.L.) shall be established along the north portions of Parcels 1C, 2A, 6, and 6A adjacent to Woodrow Bean Transmountain Drive. The S.B.S.L. shall only be required until such time as the property owner dedicates 75 feet of right-of-way to the City through a

1004
1007

subdivision plat. The 75-foot S.B.S.L. and the 75 feet dedicated shall not be graded or developed so that the natural vegetation and topsoil remain intact except as is required for driveways and streets.

Except as expressly modified herein, all other terms and provisions of the contract shall remain in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
WESTSIDE JOINT VENTURE

By: _____
Title: _____

LAWYER'S TITLE OF EL PASO, INC.,
Trustee for Westside Joint Venture

By: _____
Title: _____

ATTEST:

Secretary

SECOND PARTY:
THE CITY OF EL PASO

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Carol Cottonis by bmm

Assistant City Attorney

APPROVED AS TO CONTENT:

Ray Gilman

Department of Planning,
Research and Development

ACKNOWLEDGEMENTS CONTINUE ON NEXT PAGE

ATTACHMENT 9: REZONING ORDINANCE NO. 15708

Recorded list
2004 003 3564
+ 2004 4091 1174
1001

ORDINANCE NO. 15708

2004 note

1002
1003 (1002)
1007
1008

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

All
PARCELS
except
04 105

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

That the zoning of *Parcels 1 - 9*, 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:

ORDINANCE NO. 15708

1

3/30/2004

Zoning Case No: ZON03-00047

G-9G-10, J1-11, J2-12, K-13, L-14,
M1-15, M2-16, M2-17,

- Parcel 1: From R-3 (Residential) to C-4/c (Commercial/conditions)
- Parcel 2: From PMD (Planned Mountain Development) to C-4/c (Commercial/conditions) $\approx 1001 + 1002 = 40'$
- Parcel 3: From R-3 (Residential) to R-3A (Residential) 50ft
- Parcel 4: From PMD (Planned Mountain Development) to C-3/c (Commercial/conditions) $\approx 1003 = 40'$
- Parcel 5: From M-1 (Light Manufacturing) to C-4/c (Commercial/conditions) $\approx 1004 = 40'$
- Parcel 6: From PMD (Planned Mountain Development) to C-4/c (Commercial/conditions) $\approx 1007 = 40'$
- Parcel 7: From R-3 (Residential) to C-4/c (Commercial/conditions)
- Parcel 8: From PMD (Planned Mountain Development) to C-3/c (Commercial/conditions) $\approx 1008 = 40'$
- Parcel 9: From R-3 (Residential) to C-3/c (Commercial/conditions)

That the properties described as **Parcel 1** 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-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way or the Canutillo Landfill. 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 2 and 6** 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 **PMD (Planned Mountain Development)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

ORDINANCE NO. 15708

2

3/30/2004

Zoning Case No: ZON03-00047

? 1, 2, 3, 4 = 1001 + 1002 = 1007

That the properties described as Parcel 5 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 M-1 (Light Manufacturing) to C-4 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1006

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as Parcels 4 and 8 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 PMD (Planned Mountain Development) to C-3 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

4 = 1003
8 = 1008

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

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 C-4 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

not fronting 375

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

15708

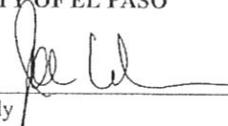
3/30/2004

ORDINANCE NO. _____

Zoning Case No: ZON03-00047

PASSED AND APPROVED this 2nd day of March, 2004.

THE CITY OF EL PASO



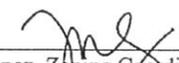
Joe Wardy
Mayor

ATTEST:

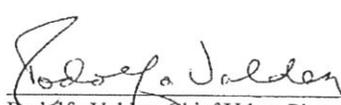


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 12th day of April, 2004, by JOE WARDY as MAYOR of THE CITY OF EL PASO.

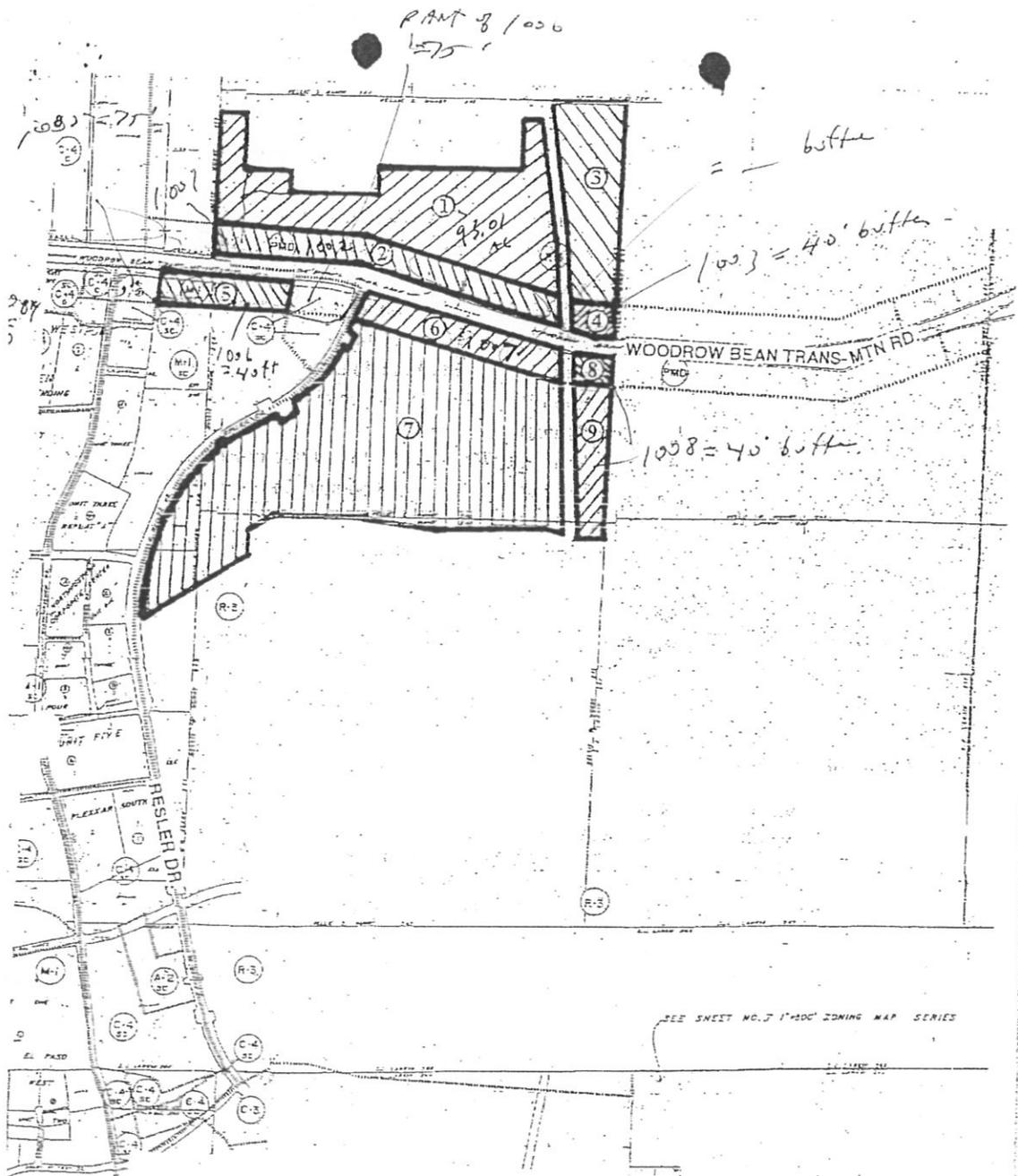
My Commission Expires  **DORA NAZARIEGA**
NOTARY PUBLIC
In and for the State of Texas
My commission expires 10-06-2004



Notary Public, State of Texas
Notary's Printed or Typed Name:
Dora Nazariega

ORDINANCE NO. 15708

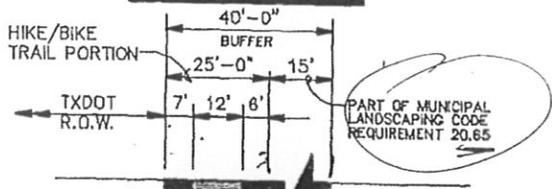
3/30/2004
Zoning Case No: ZON03-00047



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

 NORTH	SCALE	GENERAL LOCATION MAP	CASE NUMBER
	not to scale		ZON03-00047

EXHIBIT "B"
40' LANDSCAPE BUFFER



PROPERTY LINE

TXDOT ROW - LOOP 375 WOODROW BEAN TRANSMOUNTAIN

- GENERAL NOTES:
- ① LANDSCAPE GROUND COVER WILL BE OF VARIOUS DUST FREE MATERIALS. THE VEGETATION WILL BE IN ACCORDANCE WITH THE CITY APPROVED TREE/PLANT LIST AND BLEND IN WITH EXISTING LANDSCAPE CONDITIONS AS ESTABLISHED ON RESLER DRIVE.
 - ② HIKE/BIKE TRAIL MAY BE STRAIGHT OR MEANDER.

TYPICAL PLAN

SCALE: 1" = 30'-0"

REVISED 08/17/10

ATTACHMENT 10: REZONING ORDINANCE NO. 16241

ORDINANCE NO. 16241

AN ORDINANCE CHANGING THE ZONING OF PARCEL A: A PORTION OF TRACT 10A, 10E, 12 AND 13, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL); PARCEL B: A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT-OFFICE); AND PARCEL C: A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY NO. 239, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) AND PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3/C (COMMERCIAL/CONDITION). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Parcel A: a portion of Tract 10A, 10E, 12 and 13, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, and more completely described in Exhibit "A"*, be changed from R-3 (Residential) to R-3A (Residential); *Parcel B: a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, and more completely described in Exhibit "A"*, be changed from R-3 (Residential) to A-O (Apartment-Office); and *Parcel C: a portion of Tracts 10A and 10E, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, and more completely described in Exhibit "A"*, be changed from R-3 (Residential) and PMD (Planned Mountain Development) to C-3/c (Commercial/condition), 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 as Parcel C be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) and PMD (Planned Mountain Development) to C-3/c (Commercial/condition) in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

DOC #17203/PLANNING/ORD/13/ZON05-00080/CCRO

ORDINANCE NO. 16241

Zoning Case No: ZON05-00080

18, 19

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer may satisfy the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be constructed prior to the issuance of any certificates of occupancy.

PASSED AND APPROVED this 20th day of December, 2005.

THE CITY OF EL PASO



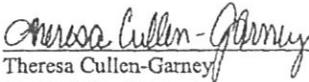
John F. Cook
Mayor

ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



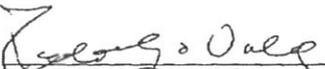
Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:



Christina Valles, Planner II
Development Services Department

APPROVED AS TO CONTENT:

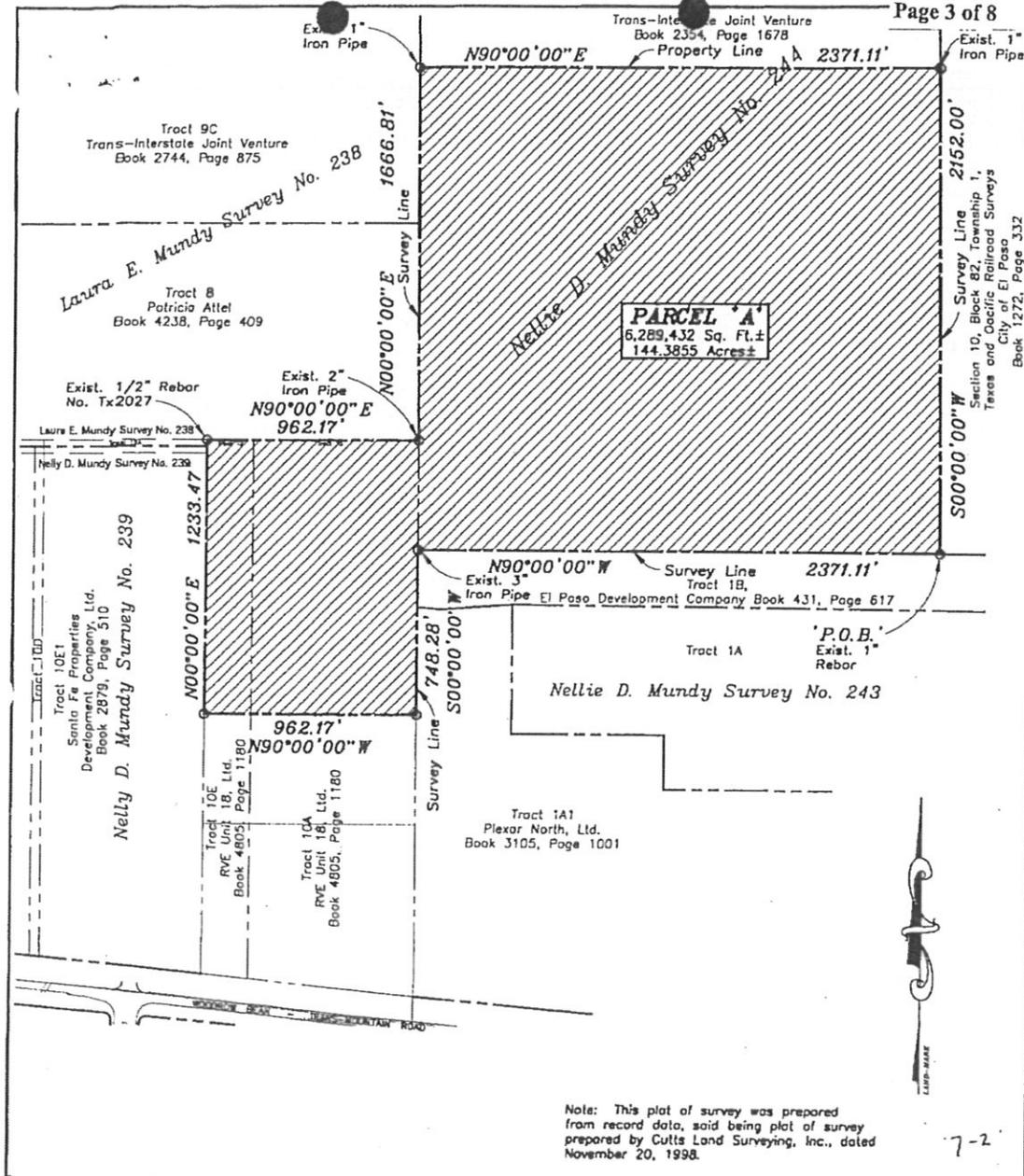


Rodolfo Valdez, Chief Urban Planner
Development Services Department

DOC #17203/PLANNING/ORD/13/ZON05-00080/CCRO

ORDINANCE NO. 16241

Zoning Case No: ZON05-00080

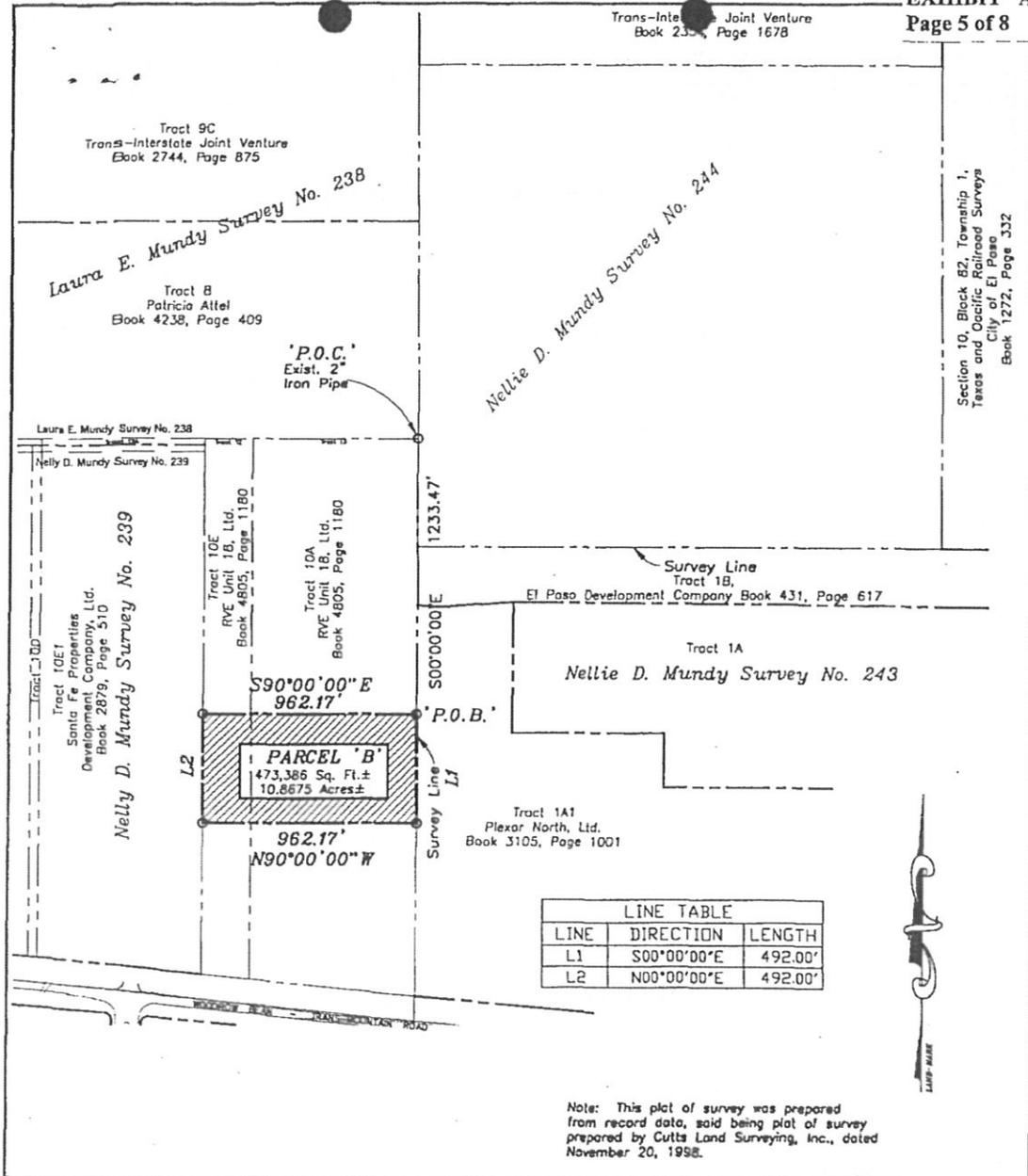


PARCEL 'A'
6,289,432 Sq. Ft. ±
144.3855 Acres ±

Note: This plot of survey was prepared from record data, said being plot of survey prepared by Cutts Land Surveying, Inc., dated November 20, 1998.

7-2

<p>7-27-05</p> <p>16241</p>	<p>I hereby certify that the foregoing plot was made for me or under my supervision.</p>  <p>Larry L. Drewes, R.P.L.S. Texas 4869 N.M. 11402</p>	<p></p>
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7-27-05

16241

I hereby certify that the foregoing plat was made for me and under my supervision.

[Signature]
Larry L. Drewes, R.P.L.S.
Texas 4859 N.M. 11402

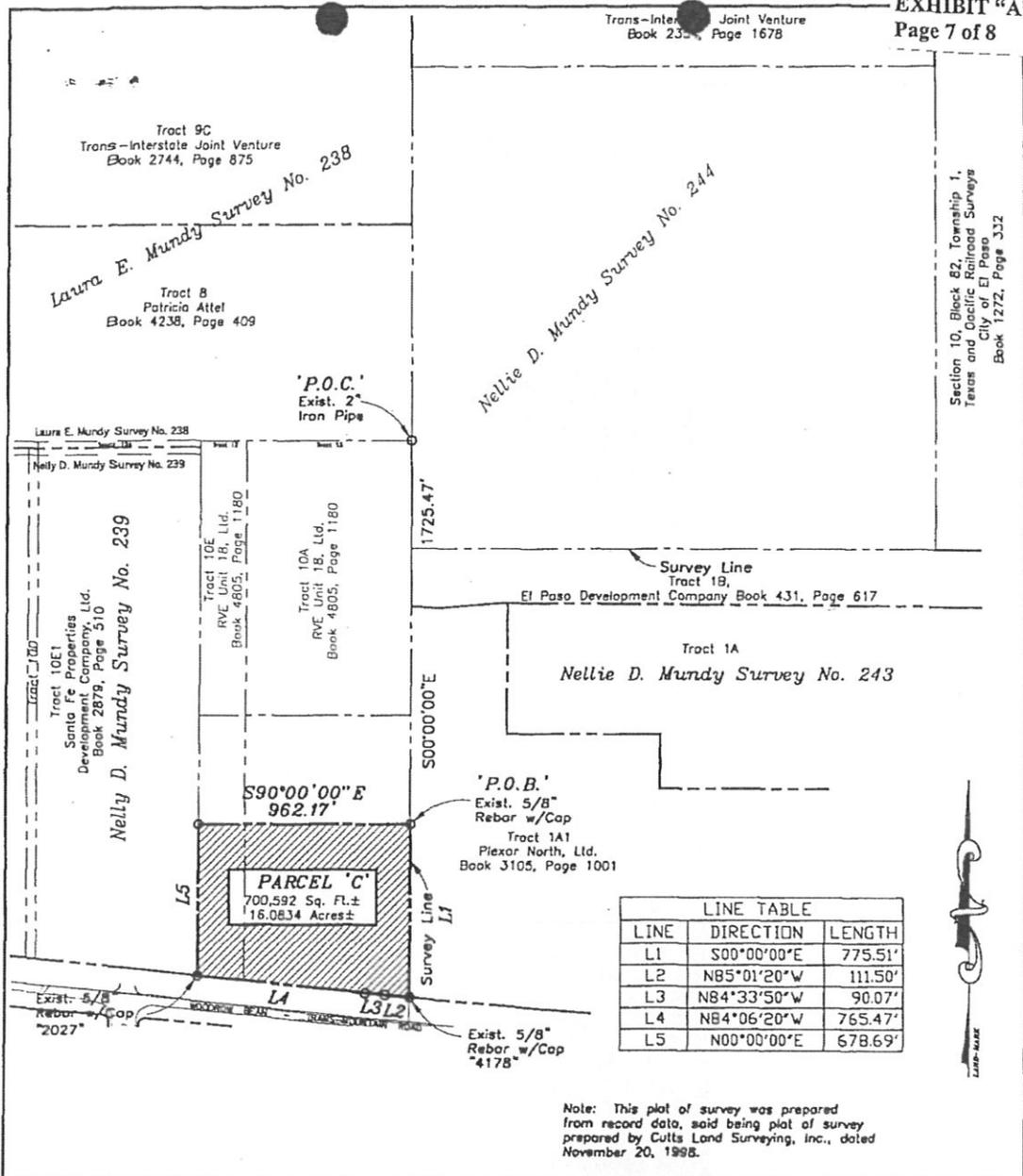
Plat of Survey

A PORTION OF TRACTS 10A AND 10E,
NELLIE D. MUNDY SURVEY No. 239,
EL PASO, EL PASO COUNTY, TEXAS

A METES AND BOUNDS DESCRIPTION WITH THE SAME DATE ACCOMPANIES THIS PLAT.

Job No. 05-03-21478B Scale: 1" = 600' Date: JUNE 20, 2005.

Land-Mark Professional Surveying, Inc.
1420 Brazesmer Drive, Suite "A"
El Paso, Texas 79935
(915) 898-1300
email: lmsurvey@swbell.net
"Serving Texas, New Mexico and Arizona"



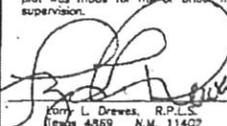
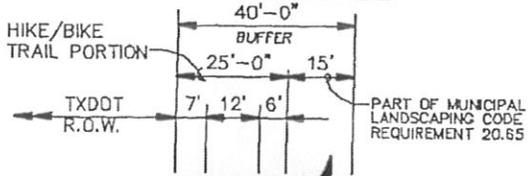
<p>7-27-05</p> <p>16241</p>	<p>I hereby certify that the foregoing plat was made for me or under my supervision.</p>  <p>Kory L. Drewes, R.P.L.S. Texas 4869 N.M. 11402</p>	<p>Plat of Survey</p> <p>A PORTION OF TRACTS 10A AND 10E, NELLIE D. MUNDY SURVEY No. 239, EL PASO, EL PASO COUNTY, TEXAS</p>	 <p>Land-Mark Professional Surveying, Inc. 1420 Bessemer Drive, Suite 'A' El Paso, Texas 79936 (915) 598-1300 email: insurvey@earthlink.net "Serving Texas, New Mexico and Arizona"</p>
	<p>A METES AND BOUNDS DESCRIPTION WITH THE SAME DATE ACCOMPANIES THIS PLAT.</p>		
<p>Job No. 05 03-21478C</p>		<p>Scale: 1" = 600'</p>	<p>Date: JUNE 20, 2005.</p>

EXHIBIT "B"
40' LANDSCAPE BUFFER



PROPERTY LINE

TXDOT ROW - LOOP 375 WOODROW BEAN TRANSMOUNTAIN

GENERAL NOTES:

- ① LANDSCAPE GROUND COVER WILL BE OF VARIOUS DUST FREE MATERIALS. THE VEGETATION WILL BE IN ACCORDANCE WITH THE CITY APPROVED TREE/PLANT LIST AND BLEND IN WITH EXISTING LANDSCAPE CONDITIONS AS ESTABLISHED ON RESLER DRIVE.
- ② HIKE/BIKE TRAIL MAY BE STRAIGHT OR MEANDER.

TYPICAL PLAN

SCALE: 1" = 30'-0"

18251

ATTACHMENT 11: REZONING ORDINANCE NO. 010052

010052

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF TRACTS 10E & 12, AND
ALL OF TRACTS 10D, 11, 10C & 9,
NELLIE D. MUNDY SURVEY NO. 239
AND IMPOSING CERTAIN CONDITIONS.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Tract 10E & 12, and all of Tracts 10D, 11, 10C & 9, Nellie D. Mundy Survey No. 239, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential) & PMD (Planned Mountain Development) to C-4 (Commercial) within the meaning of the zoning ordinance, 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) & PMD (Planned Mountain Development) to C-4 (Commercial), in order to protect the health, safety and welfare of adjacent property owners and the residents of the city:

1. Prior to the issuance of any building permits, a detailed site development plan must be approved by the City Plan Commission and by the Mayor and City Council.
2. Prior to the issuance of any building permits, a subdivision plat must be filed of record with the County Clerk. If the property is developed in phases, each phase must be subdivided.
3. Prior to the issuance of any building permits, a traffic impact study of the proposed development must

1

90-5550
010052

P-20, Q-21, R-22

be submitted to the City Traffic and Transportation Department. The traffic study must show traffic generation and distribution for the time period covered by each phase of construction.

4. A 75-foot wide special building setback (S.B.S.L.) line shall be established adjacent to Woodrow Bean Trans-Mountain Drive until such time as the property owner dedicates the required right-of-way to the City for the widening of this roadway. This 75-foot wide S.B.S.L. shall not be graded or developed so that the natural vegetation and top soil remain in tact except for necessary driveways and streets.

In addition, no building or off-premise signs shall be located closer than 75 feet to the proposed 75-foot wide S.B.S.L. except for parking, on-premise signs and necessary walks and drives.

Within this 75-foot additional setback, a 20-foot wide landscaped area shall be provided adjacent to the S.B.S.L.

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 17th day of April, 1990.

THE CITY OF EL PASO



Mayor

2

01062



ATTACHMENT 12: REZONING ORDINANCE NO. 011540

ORDINANCE NO. 011540

AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 10B AND 10B-3, NELLIE D. MUNDY SURVEY #239; AND ALL OF TRACT 2F, NELLIE D. MUNDY SURVEY #240, AND IMPOSING CERTAIN CONDITIONS. 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 ALL OF TRACTS 10B AND 10B-3, NELLIE D. MUNDY SURVEY #239; AND ALL OF TRACT 2F, NELLIE D. MUNDY SURVEY #240, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from M-1sc (Manufacturing District) to C-4 (Commercial District) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning from M-1sc (Manufacturing District) to C-4 (Commercial District) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

The applicant must submit a site development plan for review and approval by the City Plan Commission and the Mayor and City Council for Parcels 2 and 3, prior to the issuance of any building permits. Parcel 1, however, will be developed in accordance with the site plan (dated July 26, 1993) attached hereto and marked as Exhibit 'B'.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition,

ORDINANCE NO. 011540 PAGE 1 OF 2

341

