

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

DEPARTMENT: Planning and Economic Development Department

AGENDA DATE: Introduction: October 26, 2010
Public Hearing: November 16, 2010

CONTACT PERSON/PHONE: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance releasing conditions placed by Ordinance No. 15672, which rezoned and imposed conditions, on the following real property described as:

Parcel A: A 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas Zoned C-3/c, (Commercial/Condition) identified as parcel 6 in Ordinance 15672 and rezoned to A-O/c (Apartment Office/Condition) by Ordinance 017409; and,

Parcel B: A 11.283 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas Zoned R-3A/c, (Residential/Condition) identified as Parcel 7 in Ordinance 15672 and rezoned to A-O/c (Apartment Office/Condition) by Ordinance 017409. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Northern Pass Drive and North of Paseo Del Norte Drive. Property Owner: Hunt Communities Holdings, LLC. ZON10-00066 (District 1)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

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

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director Planning and Economic Development Department

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING CONDITIONS PLACED BY ORDINANCE NO. 15672, WHICH REZONED AND IMPOSED CONDITIONS, ON THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL A: A 2.158 ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS ZONED C-3/c, (COMMERCIAL/CONDITION) IDENTIFIED AS PARCEL 6 IN ORDINANCE 15672 AND REZONED TO A-O/c (APARTMENT OFFICE/CONDITION) BY ORDINANCE 017409; AND,

PARCEL B: A 11.283 ACRE PORTION OF TRACT 1B4, NELLIE D. MUNDY SURVEY 242, CITY OF EL PASO, EL PASO COUNTY, TEXAS ZONED R-3A/c, (RESIDENTIAL/CONDITION) IDENTIFIED AS PARCEL 7 IN ORDINANCE 15672 AND REZONED TO A-O/c (APARTMENT OFFICE/CONDITION) BY ORDINANCE 017409. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the following property, as more particularly described by metes and bounds in the attached Exhibit "A", was changed by Ordinance No. 15672, approved by City Council on January 23, 2004 and rezoned to A-O/c by Ordinance 017409, approved by City Council on September 21, 2010:

Parcel A: a 2.158 acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas Zoned C-3/c, Parcel 6 in Ordinance 15672 and which imposed conditions and rezoned to A-O/c by Ordinance 017409 which imposed new conditions; and,

Parcel B: a 11.283-acre portion of Tract 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas Zoned R-3A/c, Parcel 7 in Ordinance 15672 and which imposed conditions, and rezoned to A-O/c by Ordinance 017409 which imposed new conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

WHEREAS, that the property described above was subject to zoning conditions necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owners submitted an application requesting the removal of the conditions on the above described property; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of the conditions; 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 the following zoning condition on Parcel A, identified as Parcel 6 in Ordinance No. 15672 dated January 23, 2004, and as more particularly described in the attached Exhibit "A" metes and bounds, be released.

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

2. That the following zoning conditions on Parcel B, identified as Parcel 7 in Ordinance No. 15672 dated January 23, 2004, and as more particularly described in the attached metes and bounds, be released.

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

3. Except as herein amended, Ordinance No. 15672, approved by City Council on January 23, 2004, shall remain in full force and effect.

PASSED AND APPROVED this _____ day of _____, 2010.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

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

EXHIBIT "A"

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

METES AND BOUNDS DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

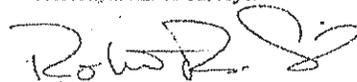
THENCE, 156.13 feet along the arc of a curve to the left, having a radius of 525.00 feet, a central angle of $17^{\circ}02'20''$, and a chord which bears North $24^{\circ}54'16''$ East, a distance of 155.55 feet;

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

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

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

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



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

Job Number 10-0017
April 6, 2010

10-00017.doc

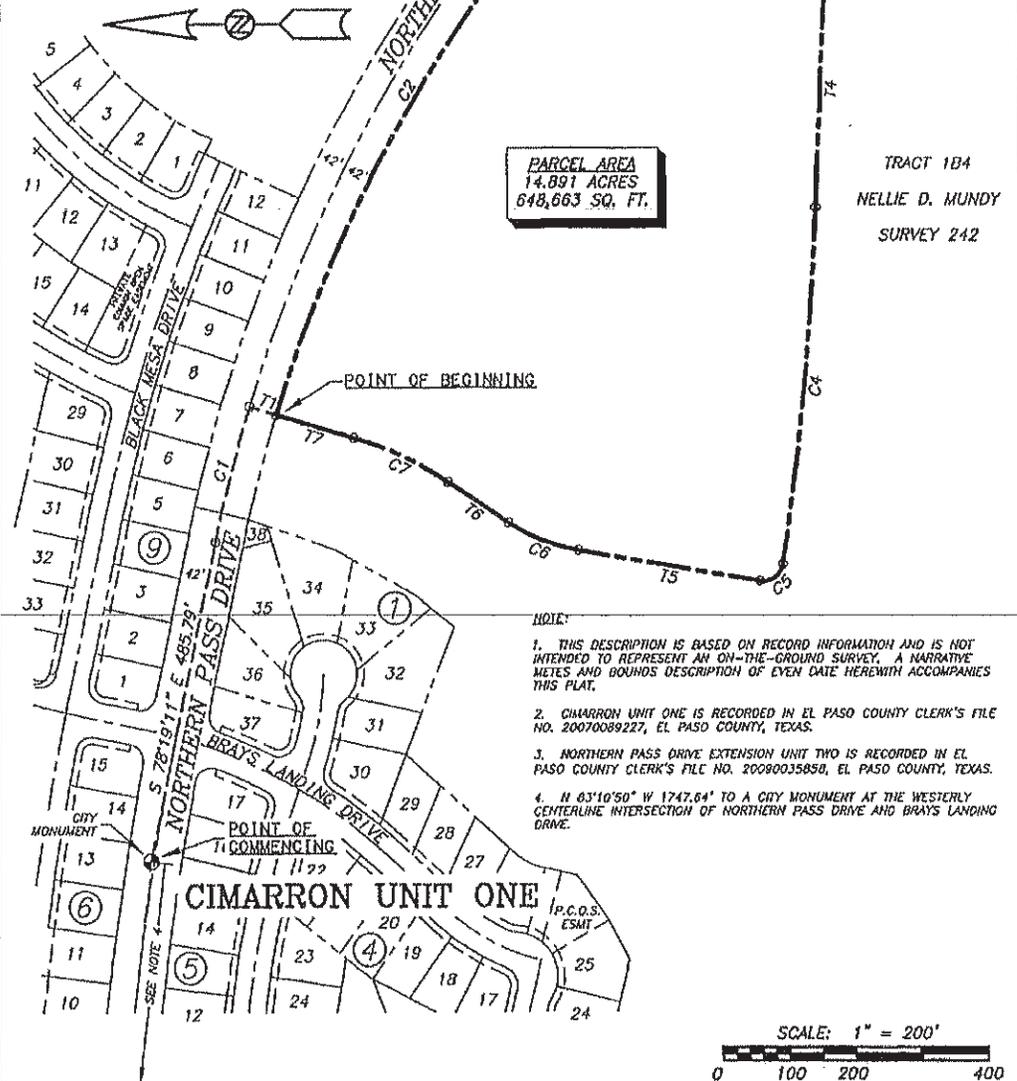
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EXHIBIT "A"

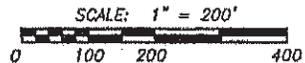
NUMBER	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	05°21'39"	2225.00	208.18	104.17	208.10	S 75°38'21" E
C2	27°09'59"	2183.00	1035.06	527.45	1025.39	S 59°22'32" E
C3	69°45'35"	70.00	60.34	45.25	76.00	N 87°41'12" W
C4	06°14'16"	4897.14	633.16	265.84	532.90	N 84°34'03" W
C5	90°56'30"	30.00	47.82	30.50	42.77	N 35°58'40" W
C6	23°55'51"	275.00	114.86	58.28	114.03	N 21°27'31" E
C7	17°02'20"	525.00	156.13	78.64	155.55	N 24°54'16" E

NUMBER	BEARING	DISTANCE
T1	S 17°02'28" W	42.00'
T2	S 03°25'28" W	318.05'
T3	N 07°17'13" W	131.30'
T4	N 87°41'12" W	349.66'
T5	N 09°29'35" E	278.79'
T6	N 33°29'26" E	111.35'
T7	N 16°23'06" E	121.17'

TRACT 184
 NELLIE D. MUNDY
 SURVEY 242



- NOTE:
1. THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVERY DATE HEREWITH ACCOMPANIES THIS PLAT.
 2. CIMARRON UNIT ONE IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20070089227, EL PASO COUNTY, TEXAS.
 3. NORTHERN PASS DRIVE EXTENSION UNIT TWO IS RECORDED IN EL PASO COUNTY CLERK'S FILE NO. 20080035850, EL PASO COUNTY, TEXAS.
 4. N 03°10'50" W 1747.64' TO A CITY MONUMENT AT THE WESTERLY CENTERLINE INTERSECTION OF NORTHERN PASS DRIVE AND BRAYS LANDING DRIVE.



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

EXHIBIT

A 14.891-ACRE PORTION OF TRACT 184, NELLIE D. MUNDY SURVEY 242, EL PASO, EL PASO COUNTY, TEXAS.

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

MEMORANDUM

DATE: October 14, 2010

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

FROM: Arturo Rubio, Senior Planner

SUBJECT: ZON10-00066

The City Plan Commission (CPC) on July 29, 2010, voted 5-0 to recommend **APPROVAL** of the zoning condition release application, which releases 2 conditions on the subject property.

The CPC found that the zoning condition release in conformance with the Plan for El Paso and that the proposed use is in conformance with the projected 2025 general land use map for the Central Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the zoning condition release protects the best interest, health, safety, and welfare of the public in general; and the zoning condition release will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **NO OPPOSITION** to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: ZON10-00066
Application Type: Zoning Condition Release
CPC Hearing Date: September 23, 2010
Staff Planner: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

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

Acreage: 14.891 acres
Rep District: 1
Zoning: C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions)
Existing Use: Vacant
Request: Release all conditions imposed by Ordinance 15672
Proposed Use: Apartments
Property Owners: Hunt Communities Holdings, LLC
Representative: Kimley-Horn and Associates, Inc.

SURROUNDING ZONING AND LAND USE

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

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

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

Nearest School: Kohlberg Elementary (7,390 Feet)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on, September 7, 2010. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to release all conditions imposed by Ordinance 15672 dated January 23, 2004 (See attachment 4). The property is 14.891 acres in size and zoned as follows C-1/c (Commercial/conditions), C-3/c (Commercial/conditions) and R-3A/c (Residential/conditions). This case is related to Rezoning case ZON10-00048 for a request to rezone the entire 14.891 acres property to A-O (Apartment-Office). The conditions imposed on the property are as follows:

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

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

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

PLANNING DIVISION RECOMMENDATION

Planning Division recommends **approval** of the release of zoning conditions:

Open Space Advisory Board OSAB

On October 13, 2010 the Open Space Advisory Board voted 6-1 to recommend approval of the zoning condition release request.

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

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

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

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

permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

Development Coordinating Committee Review

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

Development Services Department - Building Permits and Inspections Division

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

Landscape: No comments received.

Development Services Department – Subdivision Plan Review

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

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

Engineering Department - Traffic Division

- No objection to zoning change.

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

Street Department

We offer no objections.

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

Fire Department

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

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

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

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

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

Sanitary Sewer:

5. The Developer of Northern Pass Boulevard has entered into a development agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to install sanitary sewer main facilities along Northern Pass Boulevard and along the future street located south of Northern Pass Drive and immediately west of the subject property. The Developer’s utility contractor is currently installing these sanitary sewer mains. Permanent service for the property will be available after EPWU-PSB issues a Letter of Final Acceptance of the facilities.

General:

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

7. EPWU requires a new service application to provide service to the subject subdivision. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Sun Metro

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

CITY PLAN COMMISSION OPTIONS

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

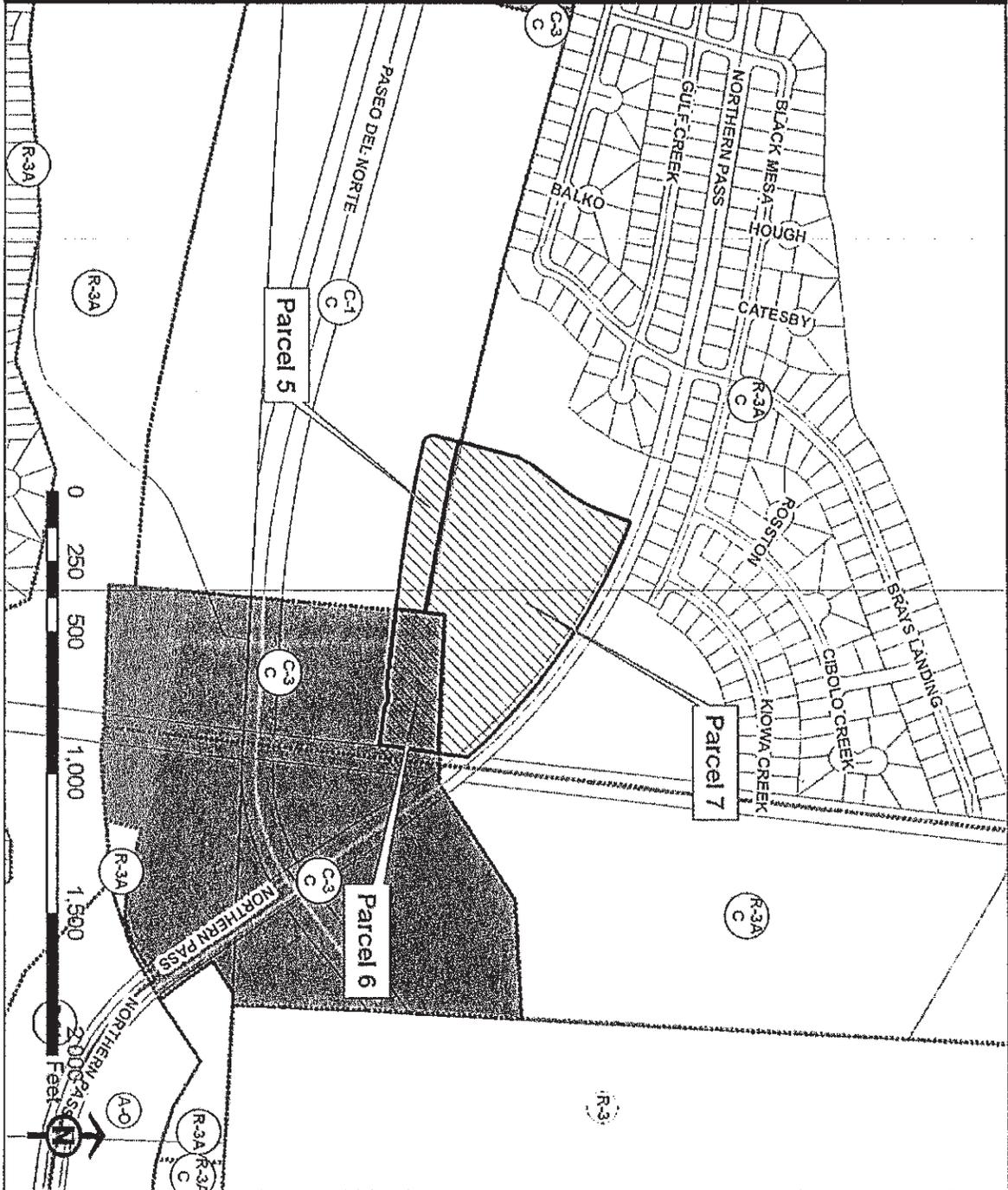
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into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

Attachments:

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Ordinance 15672

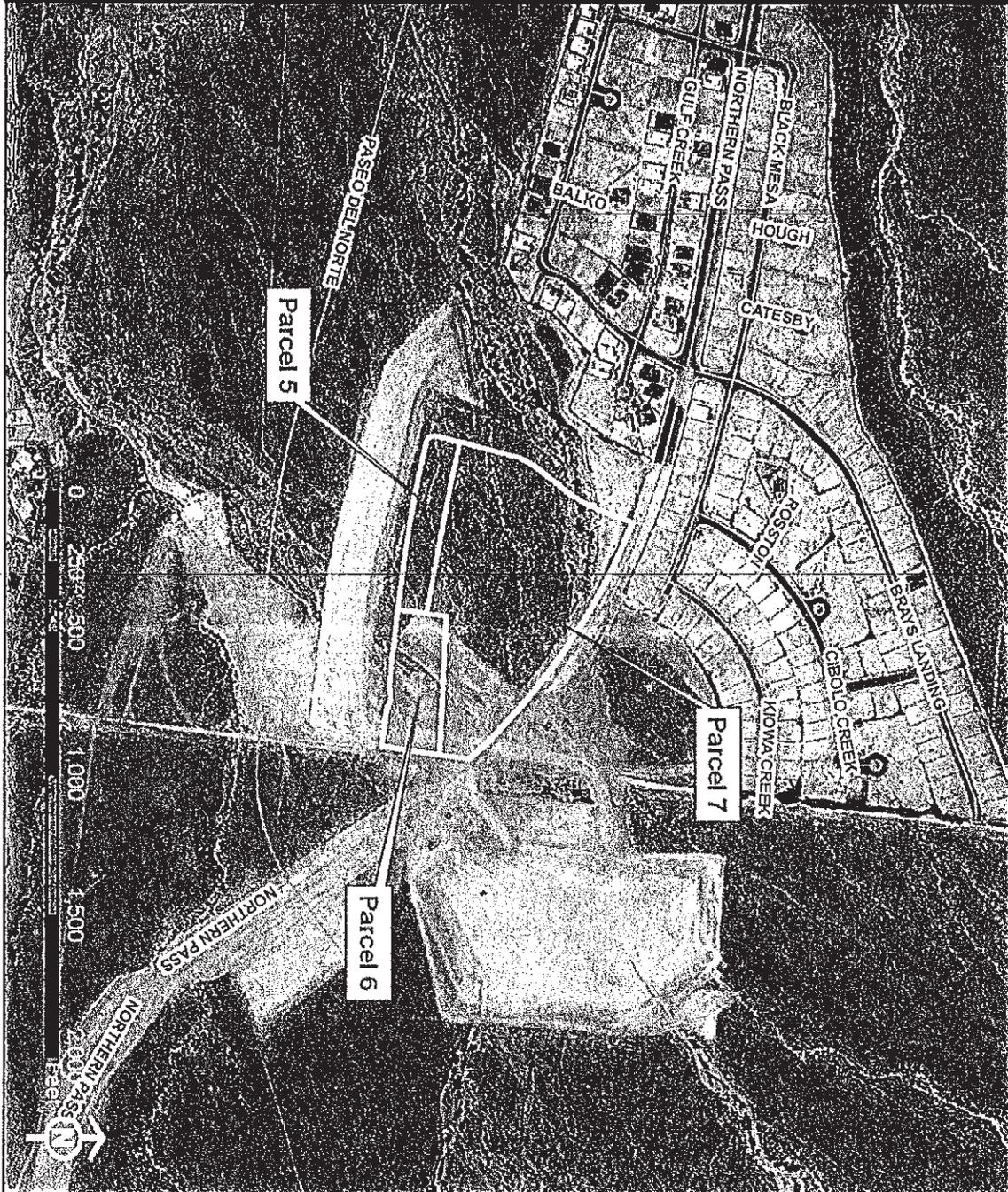
ATTACHMENT 1: ZONING MAP

ZON10-00066

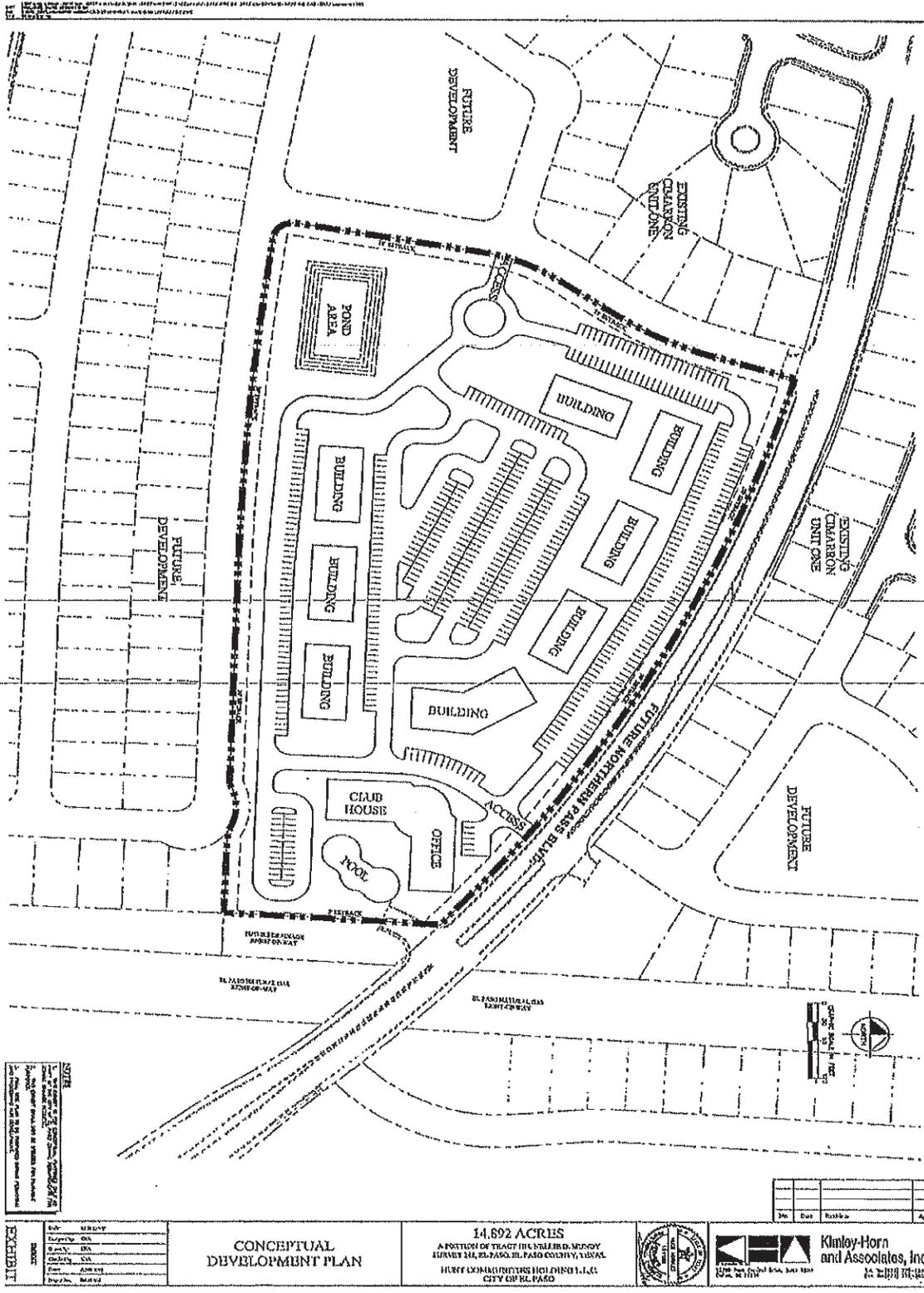


ATTACHMENT 2: AERIAL MAP

ZON10-00066



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE

Revised 4825
1944
1-2-04
18
20040613133

15672

ORDINANCE NO. _____

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

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

ORDINANCE NO. 15672

12/1/2004
Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE

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

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

That the properties described as *Parcels 2, 6, 9, and 11* be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to C-3 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

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

That the properties described as *Parcel 7* be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to R-3A (Residential) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

ORDINANCE NO. 15672

Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE

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

That the properties described as Parcels 8 and 13 be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to R-3A (Residential) in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

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

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

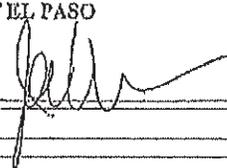
PASSED AND APPROVED this 20th day of January, 2004.

(signatures on the next page)

ORDINANCE NO. 15672 ³ 1/21/2004 Zoning Case No: ZON03-00046

ATTACHMENT4: ORDINANCE

THE CITY OF EL PASO



Joe Wardy
Mayor

ATTEST:

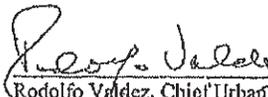


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



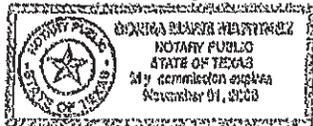
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

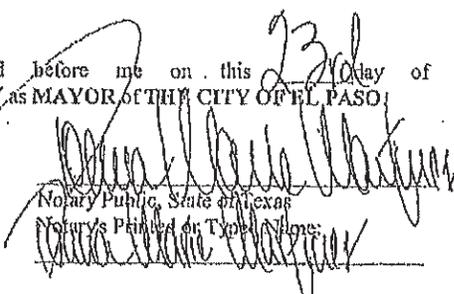
Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this 23rd day of _____, 2004, by JOE WARDY, as MAYOR of THE CITY OF EL PASO.

My Commission Expires:





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

ORDINANCE NO. 15672

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