

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

**DEPARTMENT:**       Development Services Department

**AGENDA DATE:**                       **Public Hearing: November 22, 2005**

**CONTACT PERSON/PHONE:**       **Christina Valles, 541-4930**

**DISTRICT(S) AFFECTED:**       **4**

**SUBJECT:**

A Resolution that the City Manager be authorized to sign an Amendment to Contracts between the City of El Paso and Monterrey Properties, LTD. amending the Contracts dated May 15, 1963 and March 14, 1973, to delete conditions for the property described as Tract 17-E-3, Section 38, Block 81, TSP1, Texas and Pacific RR Surveys, in the City of El Paso, El Paso County, Texas. Subject Property: 4600 Block of McCombs Blvd. Applicant: Monterrey Properties, Ltd. ZON05-00112 (District 4)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Recommendation Pending  
City Plan Commission (CPC) – Recommendation Pending

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**   George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**R E S O L U T I O N**

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

THAT the City Manager be authorized to sign an Amendment to Contracts between the City of El Paso and Monterrey Properties, LTD. amending the Contracts dated May 15, 1963 and March 14, 1973, to delete conditions for the property described as *Tract 17-E-3, Section 38, Block 81, TSP1, Texas and Pacific RR Surveys*, in the City of El Paso, El Paso County, Texas.

**ADOPTED** this \_\_\_\_\_ day of November 2005.

THE CITY OF EL PASO

ATTEST:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Carolyn J. Crosby  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Christina Valles, Planner II  
Development Services Department

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Rudy Valdez, Chief Urban Planner  
Development Services Department

**CONTRACT AMENDMENT ZON05-00112**

**THE STATE OF TEXAS**            }  
  }  
**COUNTY OF EL PASO**            }

**AMENDMENT TO CONTRACT**

**WHEREAS**, a contract was entered into on May 15, 1963 by and between Dr. Frank P. Schuster and Dr. Stephen A. Schuster, and the City of El Paso, Texas, and a second contract was entered into on March 14, 1973 by and between Amen Wardy, Sr., Frank P. Schuster and the State National Bank of El Paso, as Independent Executer of the Estate of Stephen A. Schuster, deceased, and the City of El Paso; placing conditions on real property being described as *Tract 17-E-3, Section 38, Block 81, TSP1*, Texas and Pacific RR Surveys, in the City of El Paso, El Paso County, Texas; and

**WHEREAS**, Monterrey Properties, LTD., owner of the herein described property, has applied for amendment of the Contracts to delete restrictions on the property; and

**WHEREAS**, City Council has reviewed the restrictions once made necessary by the rezoning and is now of the determination that, due to changed conditions in the area, such restrictions are no longer necessary to ensure compatibility with adjacent land uses and should be removed as requested;

**NOW, THEREFORE**, the Contract dated May 15, 1963 is hereby amended to delete the following condition on the property, described herein:

1. The use will be restricted to a private membership club and swimming pool only.

**AND**, the contract dated March 14, 1973 is hereby amended to delete the following conditions on the property described herein:

1. Dedicate as a public street a ten-foot wide strip along the easterly boundary of the property to provide a traffic deceleration lane, including paving, curbing and gutters;
2. Improve such strip by constructing a traffic deceleration lane, including paving, curbing and gutters;



**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**GEORGE G. SARMIENTO, AICP**  
DEPUTY DIRECTOR



*CITY COUNCIL*  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

November 7, 2005

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

**FROM:** Christina Valles, Planner II

**SUBJECT:** ZON05-00112

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The City Plan Commission (CPC), on November 17, 2005, will consider this request to release conditions currently imposed on the property that require that the use be restricted to a private membership club and swimming pool only, and the dedication as a public street a ten-foot wide strip along the easterly boundary of the property to provide a traffic deceleration lane, including paving, curbing and gutters.

There is **one letter in SUPPORT** to this request.

Enclosures: Site Plan, Location Map, Letter of Support.

**STAFF REPORT**

**Zoning Condition Amendment/Release:** ZON05-00112

**Property Owner(s):** Monterrey Properties Ltd.

**Applicant(s):** Monterrey Properties Ltd.

**Representative(s):** Ray Baca

**Legal Description:** Tract 17-E-3, Section 38, Block 81, TSP1, Texas and Pacific RR Surveys

**Location:** Corner of Will Ruth and McCombs

**Representative District:** # 4

**Area:** 7.3 Acres

**Present Zoning:** C-1/sc (Commercial/special contract)

**Present Use:** vacant

**Proposed Request:** Release special contract conditions imposed by Ordinances # 2904 and # 5021.

**Proposed Use:** Multi-Family

**Recognized Neighborhood Associations Contacted:** Northeast Civic Association and Northeast Healthy Communities

**Surrounding Land Uses:**  
 North - R-4 (Residential) / Single-family  
 South - R-4 (Residential), C-1/sc (Commercial/special contract) / Single-family, Retail center  
 East - R-4 (Residential) / Single-family  
 West - R-4 (Residential), C-2/sc (Commercial /special contract)/ Single-family, Commercial

**Year 2025 Designation:** Residential (Northeast Planning Area)

**CITY PLAN COMMISSION HEARING, November 17, 2005,  
 1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

## **Zoning Condition**

**Amendment/Release: ZON05-00112**

### **General Information:**

Ordinances No. 2904 and No. 5021, dated May 15, 1963 and March 14, 1973, respectively, rezoned/conditioned the property as C-1 (Commercial. The following conditions were imposed by special contract in order to remove certain objections to such rezoning:

No. 2904

2) The use will be restricted to a private membership club and swimming pool only.

No. 5021

- a) Dedicate as a public street a ten-foot wide strip along the easterly boundary of the property to provide a traffic deceleration lane, including paving, curbing and gutters;
- b) Improve such strip by constructing a traffic deceleration lane, including paving, curbing and gutters;

The applicant is requesting that the above listed conditions listed be released.

The applicant is proposing to develop Multi-Family. The property is currently zoned C-1/sc (Commercial/special contract). The site is currently vacant and is 7.3 acres in size. The proposed site plan shows apartments to be located on the site. Access is proposed via Will Ruth Avenue.

### **Information to the Commission:**

One letter **in support** of this application has been received.

### **Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **APPROVAL** of this request for contract condition **release**, for the condition imposed by **Ordinance No. 2904**. Its recommendation is based on the following:

The C-1/sc (Commercial/special contract) zoning district permits multi-family development, and is compatible with adjacent development.

The proposed use is in accordance with and in furtherance of *The Plan for El Paso*.

DCC **recommendation** is **pending** on the release of conditions imposed by **Ordinance No. 5021**.

The Commission must determine the following:

Will the **release** of the zoning conditions on the subject property protect the best

interest, health, safety and welfare of the public in general?

**Information To The Applicant:**

Building Permits and Inspections Division Notes:

No comments.

Land Development Division Notes:

No comments.

Engineering, Traffic Division Notes:

No comments.

Fire Department Notes:

No comments.

El Paso Water Utilities Notes:

No objections.

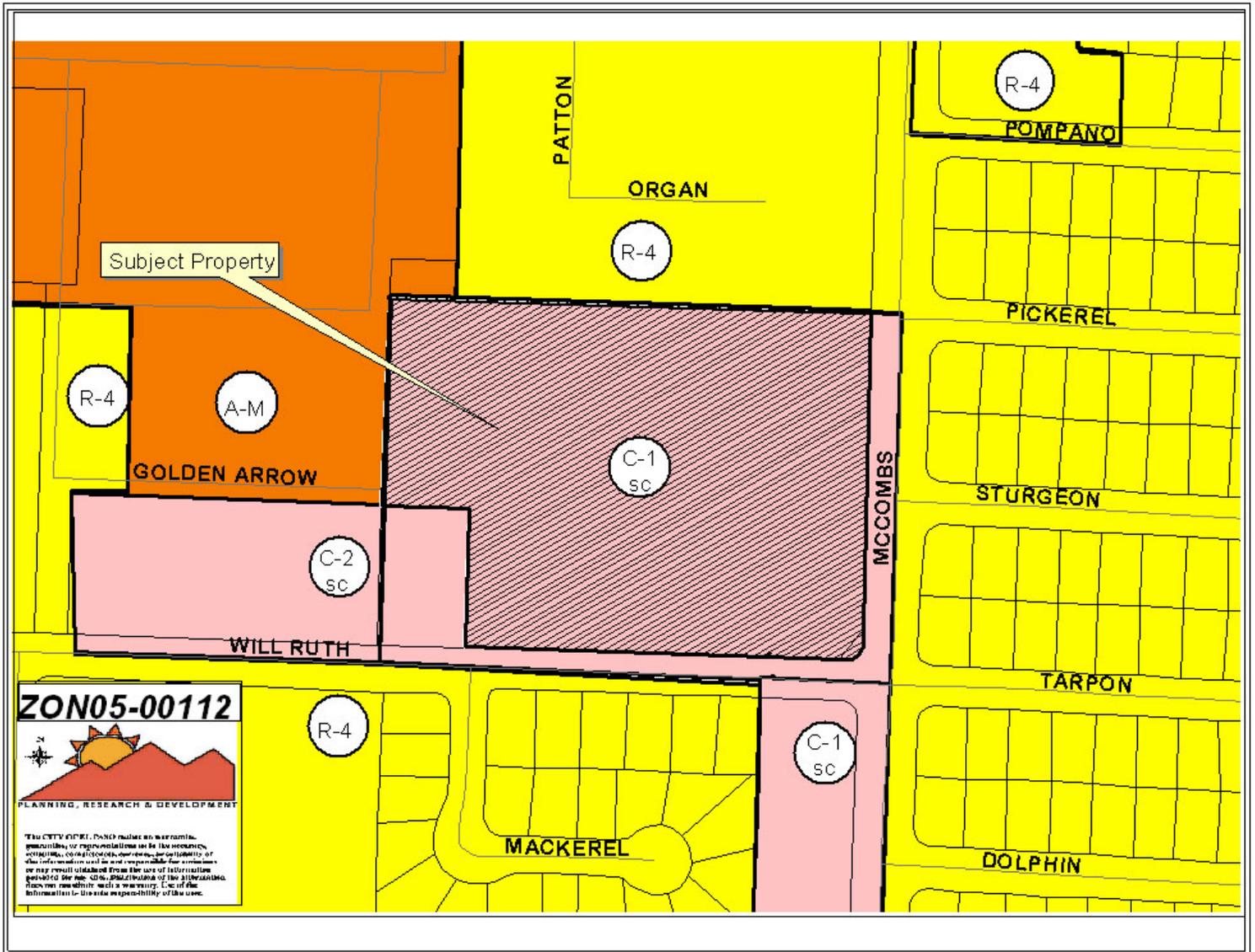
Planning, Research & Development Department Notes:

Recommend approval of this condition release.

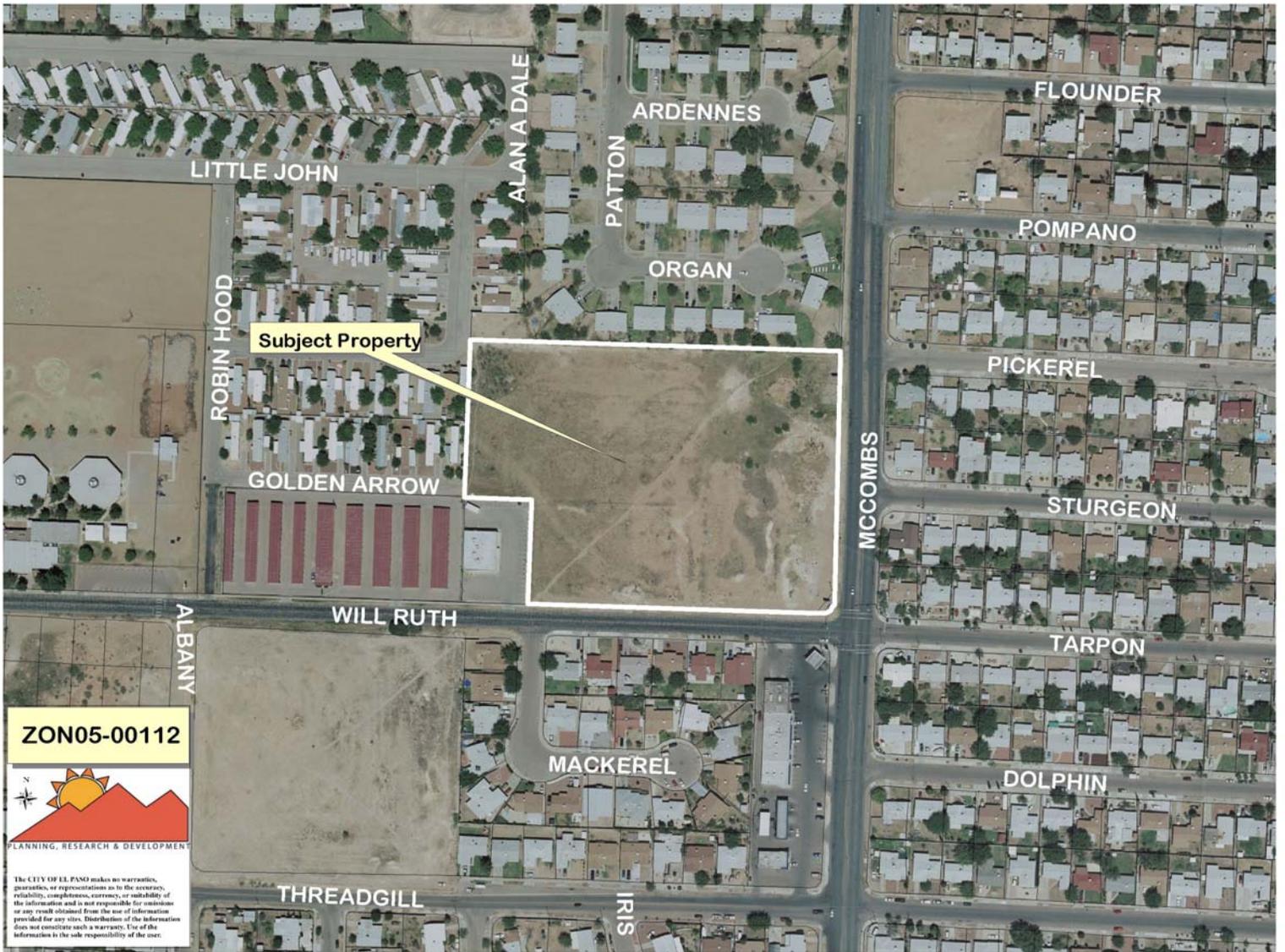
**ATTACHMENT:** Site Plan; Location Map; Letter.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4024.

# LOCATION MAP



# AERIAL MAP





## SecurCare Self Storage

4001 W. Green Oaks Blvd., Suite 221, Arlington, Texas 76016  
817-561-6741, fax 561-6794

October 24, 2005

Christina Valles  
Urban Planner  
Planning Division  
City of El Paso  
2<sup>nd</sup> Floor, 2 Civic Center Plaza  
El Paso, Texas 79901

RE: Support FOR Zoning Case Number ZON05-00112.

Dear Ms. Valles:

We are the owners of Value Storage, Ltd. dba Colonial Storage Center, 5717 Will Ruth Ave. We received your notice of the owner's request to remove the private club and swimming pool restrictions on a tract of land on Will Ruth very near our property. Please read this letter into the minutes of the City Plan Commission when it hears this case. Also, if you would, please read this letter into the minutes of the City Council when they hear the case also.

We would like to see the city continue to encourage the revitalization of this neighborhood in order to make it a better place to live and work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Bolton".

Stephen Bolton  
Asset Manager