

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

**DEPARTMENT:** Planning and Economic Development Department

**AGENDA DATE:** Introduction: November 30, 2010  
Public Hearing: December 21, 2010

**CONTACT PERSON/PHONE:** Esther Guerrero, (915) 541-4720

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance releasing a condition placed on property by Ordinance No. 010993 which changed the zoning of a portion of Blocks 42 and 43 of Alexander Addition; portion of Collins Survey No. 209; portions of Pierce Street, Erie Street and Schuster Street; an alley adjoining a portion of Blocks 42 and 43 of Alexander Addition and Collins Survey No. 209 and a portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to a portion of Block 302, Pierce Finley Addition, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 1211 Cliff Street. Property Owner: George L. Hermann. ZON10-00069 (**District 8**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – 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

**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_

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

**AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 010993 WHICH CHANGED THE ZONING OF A PORTION OF BLOCKS 42 AND 43 OF ALEXANDER ADDITION; PORTION OF COLLINS SURVEY NO. 209; PORTIONS OF PIERCE STREET, ERIE STREET AND SCHUSTER STREET; AN ALLEY ADJOINING A PORTION OF BLOCKS 42 AND 43 OF ALEXANDER ADDITION AND COLLINS SURVEY NO. 209 AND A PORTION OF BLOCK 302, PIERCE FINLEY ADDITION; AND PORTIONS OF PIERCE STREET AND AN ALLEY ADJACENT TO PORTION OF BLOCK 302, PIERCE FINLEY ADDITION; AND PORTIONS OF PIERCE STREET AND AN ALLEY ADJACENT TO A PORTION OF BLOCK 302, PIERCE FINLEY ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the zoning of the property described as *a portion of Blocks 42 and 43 of Alexander Addition; portion of Collins Survey No. 209; portions of Pierce Street, Erie Street and Schuster Street; an alley adjoining a portion of Blocks 42 and 43 of Alexander Addition and Collins Survey No. 209 and a portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to a portion of Block 302, Pierce Finley Addition, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", was changed by Ordinance No. 010993, approved by City Council on April 28, 1992; and,

**WHEREAS**, the rezoning was subject to the following zoning condition:

*Providing a deceleration on Schuster Avenue to secure traffic safety onto the property prior to the issuance of a certificate of occupancy. A site plan indicating the deceleration lane and the redesign of the driveway locations and off-street parking shall be approved by the Director of Traffic and Transportation prior to the issuance of building permits; and,*

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

**WHEREAS**, the applicant submitted an application requesting the removal of the condition 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 condition; and,

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

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

1. That the zoning condition imposed by Ordinance No. 010993 dated April 28, 1992 requiring that *providing a deceleration on Schuster Avenue to secure traffic safety onto the property prior to the issuance of a certificate of occupancy. A site plan indicating the deceleration lane and the redesign of the driveway locations and off-street parking shall be approved by the Director of Traffic and Transportation prior to the issuance of building permits* shall be released on the portion of land identified in Exhibit "A"; and,

2. Except as herein amended, Ordinance No. 010993 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

Prepared For: George L. Hermann  
 Date: 8/09/2010  
 WO. No. 050910-2

### METES AND BOUNDS DESCRIPTION

Description of a 2.9976 acre parcel of land being a portion of fractional Blocks 42 and 43, of the Alexander Addition to the City of El Paso, El Paso County, Texas and a portion of Collins Survey No. 209, in the City of El Paso, El Paso County, Texas, together with those portions of Pierce Street, Erie Street and Schuster Street and an alley adjoining said portion of fractional Blocks 42 and 43 of the Alexander Addition and Collins Survey No. 209, which have been closed and re-aligned by the City of El Paso, Ordinance no. 2859, dated February 14, 1963, and a portion of Block 302 Pierce Finley Addition to the City of El Paso, El Paso County, Texas, together with those portions of Pierce Street and an alley adjacent to said portion of Block 302, Pierce Finley Addition:

Starting at an existing city monument located at the intersection of Brown Street and River Street, said monument being located ten feet (10') North and ten feet (10') East of the centerline intersection, Thence North  $37^{\circ}43'26''$  West (North  $37^{\circ}37'00''$  West as per Pierce Finley Addition as filed in Book 15, Page 54, Plat records of El Paso County, Texas) along the monument line of Brown Street a distance of 329.60 feet to a point; said point lying along the Southerly line of the Collins Survey No. 209 and the Northerly line of Pierce Finley Addition, Thence South  $89^{\circ}53'34''$  West (South  $90^{\circ}00'00''$  West as per the Collins Survey No. 209 and Pierce Finley Addition) along the Collins Survey No. 209 and Pierce Finley Addition line a distance of 852.70' feet to a set nail and shiner on rockwall, said nail lying along the Westerly right-of-way line of Cliff Drive, said nail also being the "True point of Beginning";

Thence along the westerly right-of-way line of Cliff Drive, along an arc of a curve to the left a distance 104.67 feet, whose radius is 553.48 feet, whose central angle is  $10^{\circ}50'06''$  and whose chord bears South  $17^{\circ}17'24''$  West a distance of 104.51 feet to a set  $5/8''$  rebar with yellow plastic cap stamped Roe Engineering, L.C.;

Thence North  $37^{\circ}36'02''$  West a distance of 477.45 feet to a set  $5/8''$  rebar with yellow plastic cap stamped Roe Engineering, L.C., said rebar lying along the Easterly right-of-way line of Schuster Street;

Thence North  $50^{\circ}09'04''$  East along said right-of-way line a distance of 10.85 feet to a set  $5/8''$  rebar with yellow plastic cap stamped Roe Engineering, L.C.;

Thence along the easterly right-of-way line of Schuster Street, along an arc of a curve to the left a distance 246.80 feet, whose radius is 864.95 feet, whose central angle is  $16^{\circ}20'55''$  and whose chord bears North  $41^{\circ}58'37''$  East a distance of 245.96 feet to a set  $5/8''$  rebar with yellow plastic cap stamped Roe Engineering, L.C.;

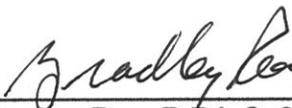
Thence South  $46^{\circ}39'17''$  East a distance of 267.68 feet to a found  $5/8''$  rebar with yellow plastic cap stamped Roe Engineering, L.C.;

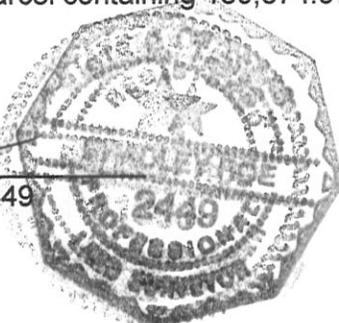
Thence North  $52^{\circ}26'14''$  East a distance of 107.90 feet to a found  $5/8''$  rebar with yellow plastic cap stamped Roe Engineering, L.C.;

Thence South  $37^{\circ}33'46''$  East a distance of 125.20 feet to a found 2 $\emptyset$  pipe, said pipe lying along the westerly right-of-way line of Cliff Drive;

Thence South  $52^{\circ}26'14''$  West along said westerly right-of-way line a distance of 42.67 feet to a set chiseled mark;

Thence along the westerly right-of-way line of Cliff Drive, along an arc of a curve to the left a distance 287.19 feet, whose radius is 553.48 feet, whose central angle is  $29^{\circ}43'48''$  and whose chord bears South  $37^{\circ}34'20''$  West a distance of 283.98 feet back to the "TRUE POINT OF BEGINNING" and said parcel containing 130,574.97 square feet or 2.9976 acres of land more or less.

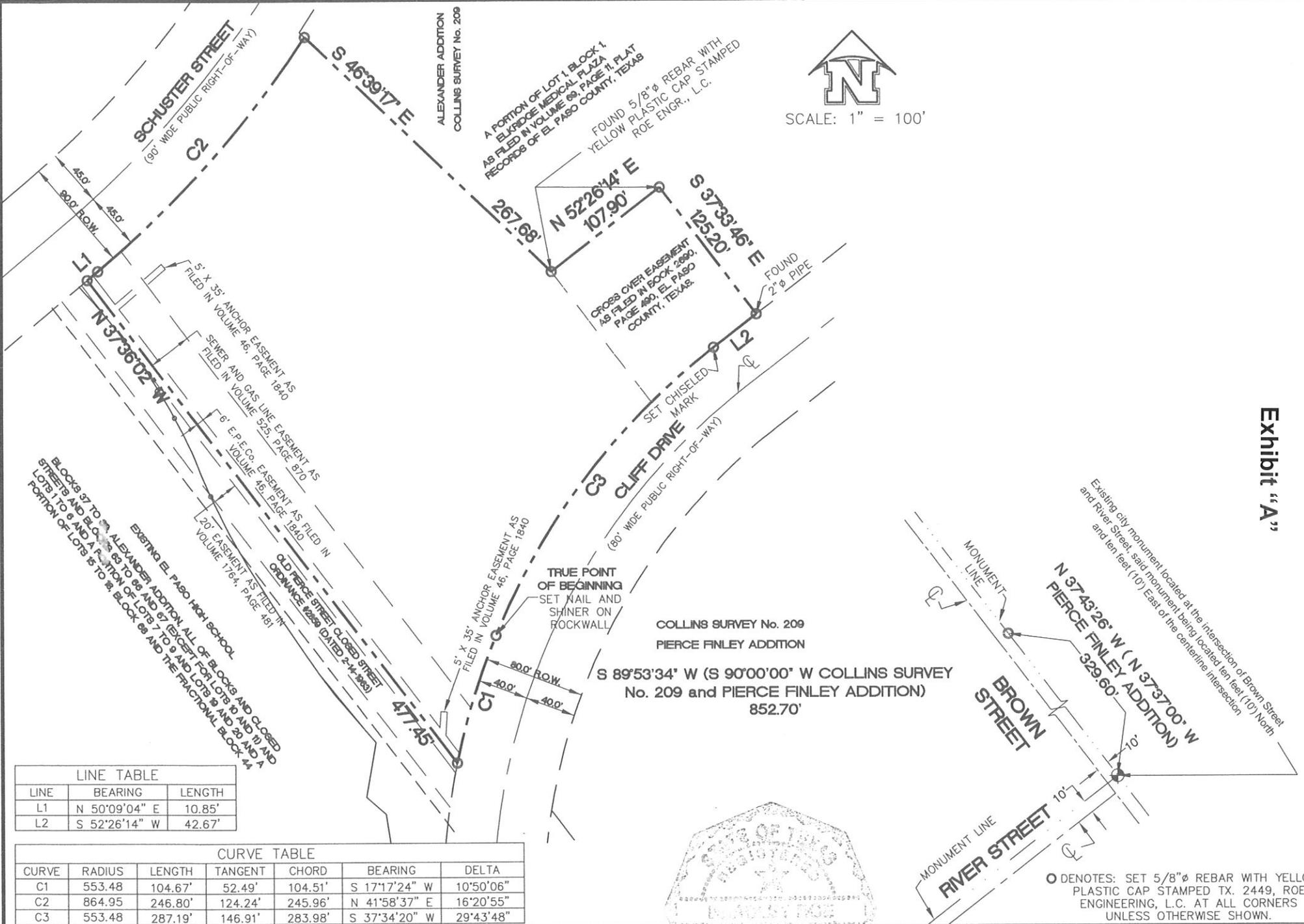
  
 Bradley Roe, R.P.L.S. 2449  
 Roe Engineering, L.C.





SCALE: 1" = 100'

Exhibit "A"



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 50°09'04" E	10.85'
L2	S 52°26'14" W	42.67'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	553.48	104.67'	52.49'	104.51'	S 17°17'24" W	10°50'06"
C2	864.95	246.80'	124.24'	245.96'	N 41°58'37" E	16°20'55"
C3	553.48	287.19'	146.91'	283.98'	S 37°34'20" W	29°43'48"

NOTE: The above referenced property is within Zone "C". (Exclusion: Area of Interest, Flooded) according to the Federal Emergency Management Agency Flood Insurance Rate Maps, as per area Community Flood No. 480214 00M B, dated October 10, 1993.

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DATE	REVISIONS	BY	FILING INFORMATION	SCALE	CERTIFICATION
			CENSUS TRACT: N/A DISTRICT: 8 AREA: 10 COUNTY PLAT RECORDS BOOK: N/A PAGE: N/A FILE: 48	HOR: 1" = 100' VER: N/A FILE NAME: MAP_ADRG_SURVEY W.G. 050910-2 DATE: AUGUST 2010 DESIGN BY: N/A DRAWN BY: L.A.J. CHKD. BY: H.P. APPD. BY: R.P.	

**BOUNDARY SURVEY**  
Being a portion of Fractional Blocks 42 and 43, of the Alexander Addition to the City of El Paso, El Paso County, Texas and a portion of Collins Survey No. 209, in the City of El Paso, El Paso County, Texas, together with those portions of Pierce Street, Erie Street and Schuster Street and an alley adjoining said portion of Fractional Blocks 42 and 43 of the Alexander Addition and Collins Survey No. 209, which have been closed and re-aligned by the City of El Paso, Ordinance No. 2859, dated February 14, 1963, and a portion of Block 302 Pierce Finley Addition to the City of El Paso, El Paso County, Texas, together with those portions of Pierce Street and an alley adjacent to said portion of Block 302, Pierce Finley Addition.

CONTAINING IN ALL 130,574.76 sq. ft. OR 2.9976 acres OF LAND MORE OR LESS

GEORGE C. HERMAN

**hnpRoe Engineering, L.C.**  
1101 W. COLLINS ST. SUITE 400 • EL PASO, TX 79902  
(915) 533-2444 • FAX: (915) 533-4472  
www.hnpRoe.com

ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

SHEET 1 OF 1



**Date:** November 15, 2010  
**To:** Honorable Mayor and City Council  
Joyce Wilson, City Manager  
**From:** Esther Guerrero, Planner  
**Subject:** ZON10-00069

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The City Plan Commission (CPC) on October 7, 2010, voted **5-0** to recommend **approval** of the release of this zoning condition request. The condition requires the construction of a deceleration lane on Schuster Avenue for access to the subject property. Such access is not feasible because of existing topographic conditions. The applicant is proposed the development of a medical office complex. (See related rezoning application ZON10-00070).

This recommendation is in agreement with the recommendation from staff and the Development Coordinating Committee (DCC).

The CPC found that the zoning condition release is in conformance with The Plan for El Paso. The CPC found that the proposed use is in conformance with the 2025 Projected General Land Use Map for the Central Planning Area. The CPC also determined that the zoning condition release protects the best interest, health, safety, and welfare of the public in general; and 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 one present at the meeting to speak in favor or in opposition to this request.

**Attachment:** Staff Report

**Mayor**  
John F. Cook

**City Council**

District 1  
Ann Morgan Lilly

District 2  
Susannah M. Byrd

District 3  
Emma Acosta

District 4  
Carl L. Robinson

District 5  
Rachel Quintana

District 6  
Eddie Holguin Jr.

District 7  
Steve Ortega

District 8  
Beto O'Rourke

**City Manager**  
Joyce A. Wilson





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

**Case No:** ZON10-00069  
**Application Type** Zoning Condition Release  
**CPC Hearing Date** October 7, 2010  
**Staff Planner** Esther Guerrero, (915) 541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)

**Location** 1211 Cliff Drive  
**Legal Description** Portion of Blocks 42 and 43, of Alexander Addition; portion of Collins Survey No. 209; portions of Pierce Street, Erie Street and Schuster Street; an alley adjoining portion of Blocks 42 and 43 of Alexander Addition and Collins Survey No. 209 and a portion of Block 302, Pierce Finley Addition; and portions of Pierce Street and an alley adjacent to portion of Block 302, Pierce Finley Addition; City of El Paso, El Paso County, Texas

**Acreage** 2.9976 acres  
**Rep District** 8  
**Present Zoning** A-O/c (Apartment/Office/condition)

**Request** Release zoning condition imposed by Ordinance No. 010993  
**Existing Use** Lodge  
**Property Owner** George L. Hermann  
**Representative** Roe Engineering, L.C.

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

**North:** A-3/O/c (Apartment/Office/condition) / medical offices  
**South:** R-5 (Residential) / children's home  
**East:** A-O/c (Apartment/Office/condition) / medical offices  
**West:** R-5 (Residential) / El Paso High School

**THE PLAN FOR EL PASO DESIGNATION:** Residential (Central Planning Area)

**NEAREST PARK:** Tom Lea Park (280 feet)

**NEAREST SCHOOL:** El Paso High (1,209 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Central El Paso Community Organization, El Paso Central Business Association

### **NEIGHBORHOOD INPUT**

Notices of the October 7, 2010 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on September 27, 2010. The Planning Division has received no calls or letters in favor or in opposition to this request.

### **APPLICATION DESCRIPTION**

The applicant is requesting that the condition imposed on the subject property be released in its entirety (See Attachment 4). The condition requires the construction of a deceleration lane on Schuster Avenue for access to the subject property. The applicant does not propose access from Schuster Avenue, and such access is not feasible because of existing topographic conditions. The applicant is proposing a medical office complex with access via a cul-de-sac from Cliff Drive.

A related rezoning case will also be considered by the Commission (see case ZON10-00070).

### **DEVELOPMENT SERVICES DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

Recommend **approval** of releasing the zoning condition.

### **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 use.
- b. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. 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.

The purpose of the A-O (Apartment/Office) 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 non-residential uses and support facilities.

### **Development Coordinating Committee Review**

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

### **Engineering – Construction Management Division**

No objections.

### **Engineering – Land Development Division**

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s) will be required.\*
2. Grading plans and permits shall be required.\*
3. Storm Water Pollution Prevention Plan and/or permit required.\*
4. Drainage plans must be approved by the Engineering Section.\*
5. The Subdivision is within Flood Zone C - "Areas of minimal flooding, (no shading)." - Panel # 480214 0039B, dated October 15, 1982.

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

### **Transportation Department**

No objection to condition release.

### **Fire Department**

No objections or adverse comments.

### **Police Department**

No objections.

### **El Paso Water Utilities**

1. EPWU does not object to this request.

#### **Water:**

2. There is an existing 24-inch diameter water main extending along Schuster Avenue approximately 64.5-feet north from the northern property line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.
3. There is an existing 12-inch diameter water main that extends along Schuster Avenue that is available for service, the water main is located approximately 50 feet north from the northern property line.

4. There is an existing 24-inch diameter water main extending parallel to the western property line approximately 20-feet west from the western property line. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. The water main is located within a 20-foot wide easement.
5. Along Cliff Drive between Brown Drive and Octavia Street there is an existing 8-inch diameter water main that is available for service.
6. A water main extension along Medical Arts Place from the water main located along Cliff Drive is required to service the subject subdivision.
7. Previous water pressure from fire hydrant #5642 located approximately 120-feet east and 95-feet north from the north west property line has yielded a static pressure of 136 (psi), a residual pressure of 118 (psi), and a discharge of 1,300 (gpm).
8. Previous water pressure from fire hydrant #8249 located approximately 593-feet west from the intersection of Brown Drive and Cliff Drive and 62-feet south from the southern property line has yielded a static pressure of 136 (psi), a residual pressure of 132 (psi), and a discharge of 1,913 (gpm).
9. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

10. There is an existing 8-inch diameter sanitary sewer main that extends along Schuster Drive, the sanitary sewer main is located approximately 40-feet north from the northern property line.
11. There is an existing 8-inch diameter sanitary sewer main that extends along Cliff Drive that is available for service, the sanitary sewer main is located approximately 45-feet south from the southern property line.
12. A sanitary sewer main extension along Medical Arts Place from the sewer main located along Cliff Drive is required to service the subject subdivision.

General:

13. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant 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.

**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 zoning condition release 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 from the Plan by the CPC.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 010993

ATTACHMENT 1: ZONING MAP

ZON10-00069



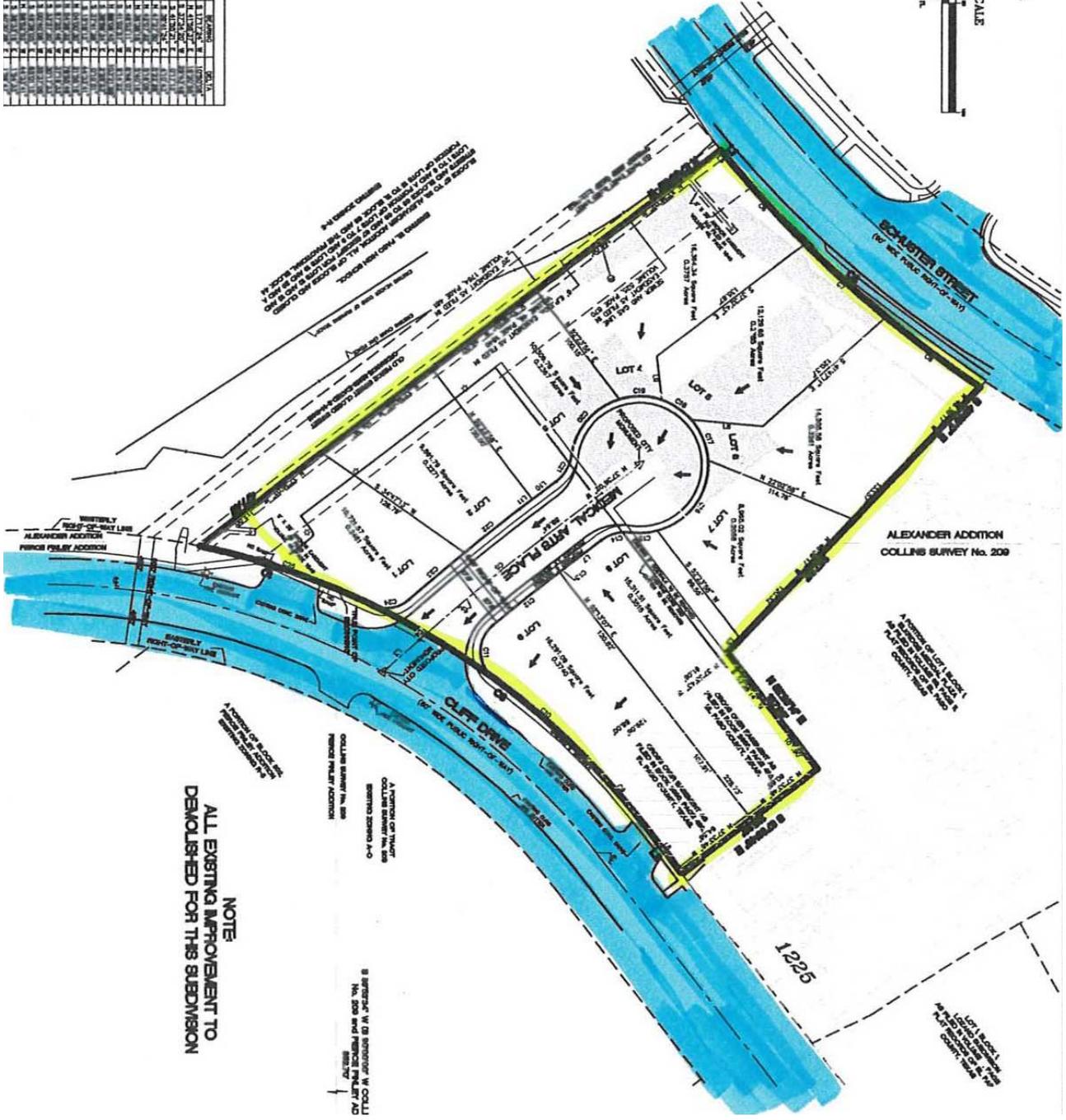
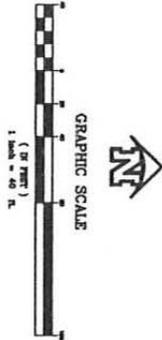
# ZON10-00069



# ATTACHMENT 3: CONCEPTUAL SITE PLAN

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ATTACHMENT 4: ORDINANCE NO. 010993

ORDINANCE NO. 010993

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF BLOCKS F-41, F-42 AND F-43, ALEXANDER ADDITION; ALL OF TRACTS 2A, 2A1, AND 3, COLLINS SURVEY #209; AND VARIOUS CLOSED ALLEYS AND STREETS 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 BLOCKS F-41, F-42 AND F-43, ALEXANDER ADDITION; ALL OF TRACTS 2A, 2A1, AND 3, COLLINS SURVEY #209; (and various closed alleys and streets) be changed from R-5 (Residential) to A-O (Apartment/Office), 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 R-5 (Residential) to A-O (Apartment/Office), in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Providing a deceleration lane on Schuster Avenue to secure traffic safety onto the property prior to the issuance of a certificate of occupancy. A site plan indicating the deceleration lane and the redesign of the driveway locations and off-street parking shall be approved by the Director of Traffic and Transportation prior to the issuance of building permits.

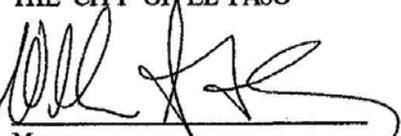
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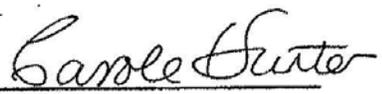
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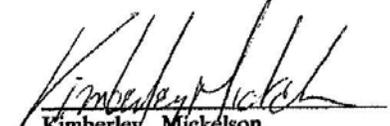
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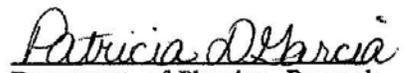
This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction, by rescission of the zoning which is made appropriate as a result of this condition, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 28<sup>th</sup> day of April, 1992.

THE CITY OF EL PASO  
  
Mayor

ATTEST:  
  
  
City Clerk

APPROVED AS TO FORM:  
  
Kimberley Mickelson,  
Assistant City Attorney

APPROVED AS TO CONTENT:  
  
Patricia D. Garcia  
Department of Planning, Research  
and Development

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