

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

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Introduction: December 1, 2009  
Public Hearing: December 22, 2009

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

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance releasing conditions placed on Tract 2D and Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas by Contract dated March 7, 1957 which changed the zoning on the property. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4645 N. Mesa Street. Property Owner: ACVC Corporation. ZON09-00068 (**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, Development Services Department

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**APPROVED FOR AGENDA:**

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

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

CITY CLERK DEPT.

09 NOV 23 PM 12:00

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

**AN ORDINANCE RELEASING CONDITIONS PLACED ON TRACT 2D AND TRACT 2E-1, E.L. DE SHAZO SURVEY NO. 218, CITY OF EL PASO, EL PASO COUNTY, TEXAS BY CONTRACT DATED MARCH 7, 1957 WHICH CHANGED THE ZONING ON THE PROPERTY. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

WHEREAS, the zoning of the property described as *Tract 2D and Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas*, was changed by Contract dated March 7, 1957; and,

WHEREAS, the rezoning was subject to the following zoning conditions:

*"Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose."*

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

WHEREAS, the owner (applicant) submitted an application requesting the removal of the above conditions on the above described property; and,

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:**

That zoning conditions imposed by Contract dated March 7, 1957 release zoning conditions on the portion of land identified in Exhibit "A" because the conditions are no longer necessary.

*"Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose."*

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

*(Signatures continue on following page)*

CITY CLERK DEPT.

09 NOV 23 PM 12:00

**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  
Development Services Department



**BROCK & BUSTILLOS INC.**  
 CONSULTING CIVIL ENGINEERS LAND SURVEYORS

ROMAN BUSTILLOS, P.E.  
 President  
 RANDY P. BROCK, P.E.  
 Executive Vice President  
 SERGIO J. ADAME, P.E.  
 Vice President - Engineering  
 OSCAR V. PEREZ  
 Vice President - Operations  
 ISAAC CAMACHO, R.P.L.S.  
 Survey Manager

CITY CLERK DEPT.  
 SEP 23 PM 12:00

**METES AND BOUNDS DESCRIPTION OF A 6.351 ACRE PARCEL**

*A parcel land situate within the corporate limits of the City of El Paso, El Paso County, Texas as Tract 2D and Tract 2E-1, E. L. De Shazo Survey No. 218, and being more particularly described as follows, to wit:*

**BEGINNING** at a 1/2 inch rebar with survey cap No. 2027 found on the west boundary line of said Survey No. 218 for the southwest corner of the tract herein described, whence a brass cap monument in concrete found for the southwest corner of said Survey No. 218 bears S.00°48'08"W., 550.62 feet;

**THENCE**, following the west boundary line of said Survey No. 218, N.00°47'51"E., 499.98 feet to 1/2 inch rebar with survey cap stamped "TX5337" set for the northwest corner of the tract herein described;

**THENCE**, leaving the west boundary line of said Survey No. 218, S.89°56'00"E., 626.11 feet to 1/2 inch rebar found on the west right-of-way line of Mesa Street for the northeast corner of the tract herein described;

**THENCE**, following the west right-of-way line of Mesa Street, S.16°58'00"W., 522.51 feet to 1/2 inch rebar with survey cap stamped "TX5337" set for the southeast corner of the tract herein described;

**THENCE**, leaving the west right-of-way line of Mesa Street, N.89°56'00"W., 480.59 feet to the point of beginning

Said parcel containing 6.351 acres (276,642 square feet) and being subject to easements of record.

*Isaac Camacho*

Isaac Camacho,  
 TX R.P.L.S. No. 5337

Date: September 17, 2009

06841-001-4645 N MESA-DESCRIPTION.doc



**Exhibit "A"**



## MEMORANDUM

**DATE:** December 1, 2009

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

**SUBJECT: ZON09-00068**

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The City Plan Commission (CPC) on November 5, 2009 voted **5-0** to recommend **APPROVAL** of releasing the conditions imposed on the property by Contract dated March 7, 1957, in agreement with the recommendation from the DCC and staff.

The following zoning conditions were imposed on the property by Contract dated March 7, 1957:

- *Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose*

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 Northwest 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 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 were no public comments in support or in opposition to this request.

**Attachment:** Staff Report



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

**Case No:** ZON09-00068  
**Application Type** Zoning Condition Release  
**CPC Hearing Date** November 5, 2009  
**Staff Planner** Esther Guerrero, (915) 541-4720, [guerreroex@elpasotexas.gov](mailto:guerreroex@elpasotexas.gov)  
**Location** 4645 N. Mesa Street  
**Legal Description** Tract 2E-1, E.L. De Shazo Survey No. 218, City of El Paso, El Paso County, Texas  
**Acreage** 6.351 acres  
**Rep District** 8  
**Present Zoning** C-3 (Commercial)  
**Request** Release zoning conditions imposed by Contract dated March 7, 1957  
**Existing Use** Motel  
**Property Owners** ACVC Corporation  
**Representative** ACVC Corporation, Rob Doeker

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

**North:** C-3 (Commercial) / Medical Offices  
**South:** C-3 (Commercial) / Medical Offices  
**East:** C-3/sc (Commercial/special contract) / Medical Offices  
**West:** R-3 (Residential) / Vacant

**THE PLAN FOR EL PASO DESIGNATION:** Mixed-Use (Northwest Planning Area)

**NEAREST PARK:** Mission Hills Park (4,255 Feet)

**NEAREST SCHOOL:** Green Elementary (7,260 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

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

### **NEIGHBORHOOD INPUT**

Notices of the November 5, 2009 City Plan Commission hearing were mailed out to property owners within 300 feet of the subject property on October 22, 2009. The Planning Division has received no responses to the rezoning application.

### **APPLICATION DESCRIPTION**

The applicant is requesting to release all zoning conditions attached to the Special Contract dated March 7, 1957 for the subject property. The following zoning condition was imposed on the property:

- “Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose.”

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of releasing all conditions attached to Contract dated March 7, 1957 for the subject property.

### **PLANNING DIVISION RECOMMENDATION**

Planning recommends **APPROVAL** of releasing all conditions attached to Contract dated March 7, 1957 for the subject property.

**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: 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.
- b. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

**Development Services Department - Building Permits and Inspections Division**

Zoning: No objections to release of conditions attached to parcel.

**Engineering Department - Traffic Division**

The Engineering Department – Traffic Division no objection to proposed release of zoning condition.

**Fire Department**

No adverse comments.

**El Paso Water Utilities**

EPWU does not object to 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:

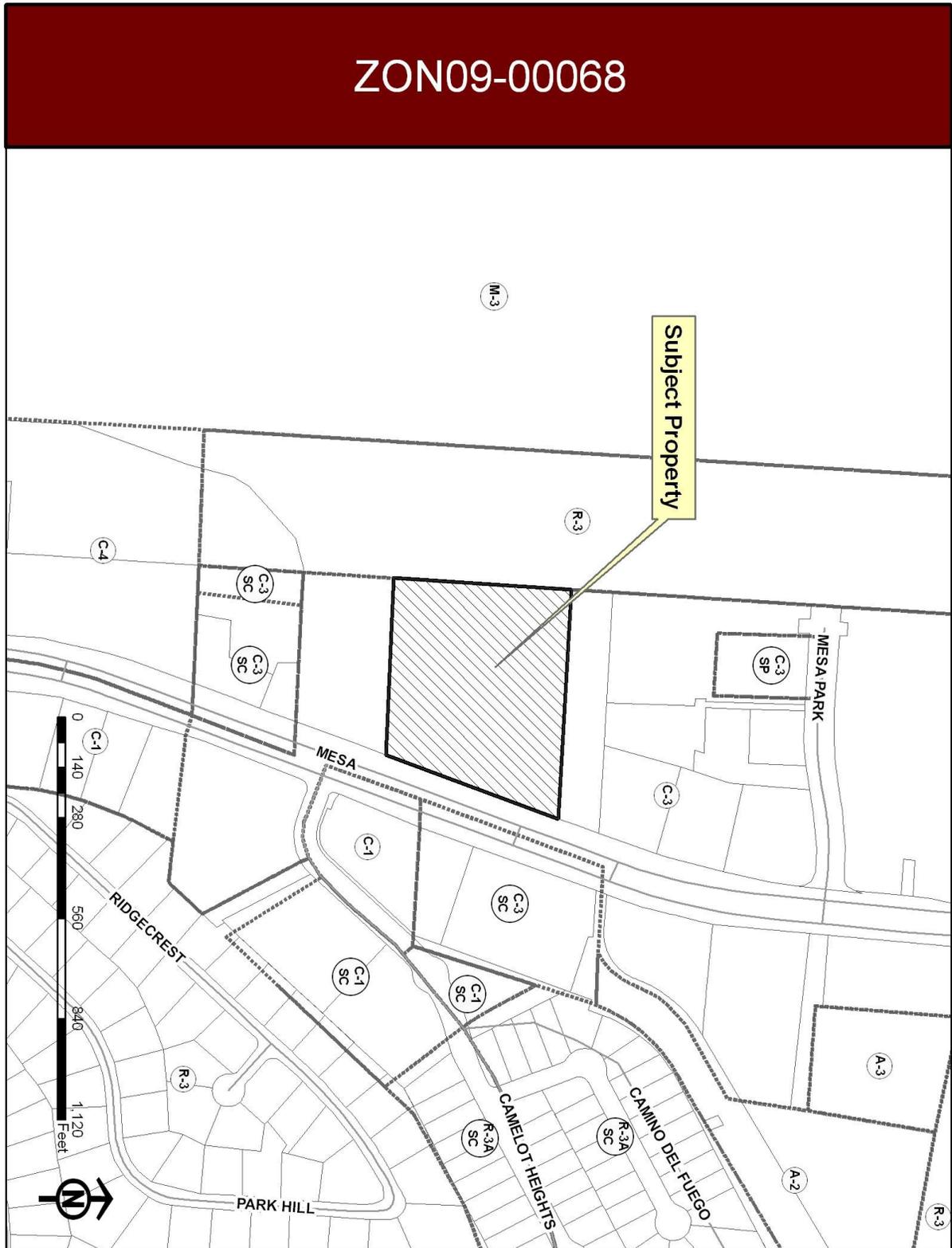
- 1. Recommend approval of the application finding that the zoning condition release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
- 2. Recommend approval of the application with modifications to bring the 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. Contract dated March 7, 1957
- 4. Site Plan

ATTACHMENT 1: ZONING MAP

ZON09-00068



ATTACHMENT 2: AERIAL MAP

ZON09-00068





ATTACHMENT 3: CONTRACT DATED MARCH 7, 1957

4020

CONTRACT

This contract made this 7<sup>th</sup> day of March 1957, by and between Edmund L. Given, First Party, and the City of El Paso, Second Party, witnesseth:

First Party has applied to Second Party for a change of zoning to C-3 Commercial of the following described land situated in the City and County of El Paso, and the State of Texas:

5.2 acres out of Survey 218 located about two miles northwest of the county court house, now in the city limits of El Paso, and described as follows, to-wit:

Beginning at a steel bar set in the westerly line of Survey 218 for the southwest corner of this tract, from this point the southwest corner of Survey 218 bears South 00° 48' West 650.57 feet;

Thence North 00° 48' East 400 feet and along the west line of Survey 218 to a steel bar and northwest corner of this tract;

Thence South 89° 56' East 624.71 feet to a steel bar in the westerly right of way line of U. S. Highway 80 for the northeasterly corner of this tract;

Thence South 16° 58' West 418.04 feet and along the westerly line of U. S. Highway 80 to a steel bar and southeasterly corner of this tract;

Thence North 89° 56' West 508.75 feet to the place of beginning, containing 5.2 acres, more or less.

To remove objections to such rezoning First Party has consented if the property is rezoned to place the hereinafter described restrictions thereon.

In consideration of the premises First Party agrees with Second Party:

Said property will be used only for a resort motel and the usual resort motel facilities including, but not limited to, a swimming pool for guests and restaurant facilities and uses customarily incident to motel use and any use permitted in an A-1 Apartment District, and for no other purpose.

It is further agreed that the City of El Paso may enforce this agreement by injunction or any other legal or equitable remedy and the said First Party hereby further agrees with Second Party that if he or his heirs, executors, administrators or assigns ever convey the above described property that said

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ATTACHMENT 4: CONCEPTUAL SITE PLAN

