10130 Montana Avenue

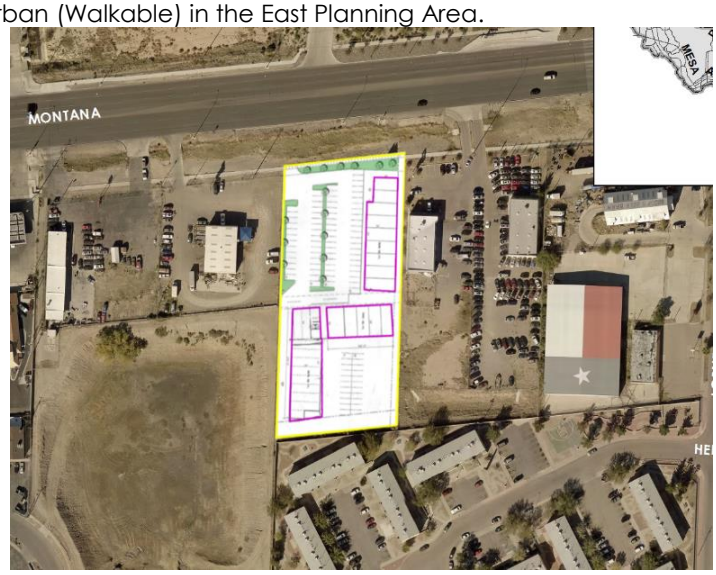
City of El Paso — Plan Commission — 6/14/2018

PZRZ18-00009 **Rezoning**

STAFF CONTACT:	Andrew Salloum, 915-212-1603, SalloumAM@elpasotexas.gov
OWNER:	Montana and Lorne Joint Venture
REPRESENTATIVE:	C. Ferris Karam
LOCATION:	10130 Montana Avenue, District 3
LEGAL DESCRIPTION:	Lot 3, Block 1, Montana and Lorne Commercial District, City of El Paso, El Paso County, Texas
EXISTING ZONING:	C-1/sc (Commercial/special contract)
REQUEST:	To rezone from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) to allow for retail and automobile (sales, service, storage and rental).
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	Planning has not received any communication in support or opposition to the rezoning request; Notices sent to property owners within 300 feet on May 31, 2018.
STAFF RECOMMENDATION:	Approval (see pages 1—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting to rezone from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) to allow for retail and automobile (sales, service, storage and rental). The conceptual site plan shows automotive shop and shopping center. Access to the subject property is provided from Montana Avenue.

SUMMARY OF RECOMMENDATION: The Planning Division recommends approval of rezoning the subject property from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) with the following condition: that a *10' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.* The recommendation is based on compatibility with the surrounding properties zoned commercial districts and uses within the area of the subject property, and in compliance with the Plan El Paso land use designation G-4, Suburban (Walkable) in the East Planning Area.



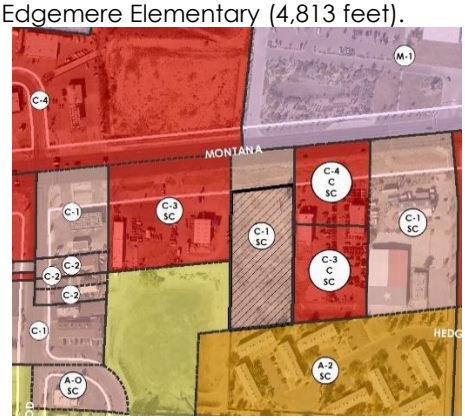
DESCRIPTION OF REQUEST

The applicant is requesting to rezone from C-1/sc (Commercial/special contract) to C-3/sc (Commercial/special contract) to allow for retail and automobile (sales, service, storage and rental). The conceptual site plan shows automotive shop and shopping center. The special contract conditions imposed by Ordinance No. 5458 dated December 26, 1974, the following two (2) conditions: 1) submit an application for detailed site development plan to be reviewed and approved by City Plan Commission and 2) no building or structure shall be placed on the property closer than sixty feet (60') to the northerly property line. On April 3, 1984, Ordinance No. 5458 was amended to read as follows: 2) No building, structure, or thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property. The applicant will submit a new application for detailed site development plan prior to the issuance of building permit. Access to the subject property is provided from Montana Avenue.

REZONING POLICY

POLICY	DOES IT COMPLY?
Compatibility Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, many properties adjacent to the subject property are zoned C3, C-4, and M-1.
Plan El Paso Are preferred locations for medium density development and redevelopment. [i.e. Property is designated G-4, Suburban (Walkable)].	Yes, the property is designated G-4, Suburban (Walkable) and meets the intent by through the addition of missing commercial uses provided to surrounding neighborhoods within the area of the existing vacant lots and reducing travel and infrastructure needs.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The subject property is located in the Montana and Lorne Commercial District, year platted 1986. The site is currently zoned C-1 and is currently vacant. Properties adjacent to the subject property are zoned R-3 (Residential), A-2 (Apartment), C-3 & C-4 (Commercial), and M-1 (Light Manufacturing). Surrounding land uses include Sun Metro, automobile sales and repair, convenience store with gas pumps, multi-family dwellings, and a ponding area. The nearest park is Cork Park (2,158 feet). The nearest school is Edgemere Elementary (4,813 feet).



COMPLIANCE WITH PLAN ELPASO: The purpose of the application is to introduce a proposed retail and automobile (sales, service, storage and rental) within the G-4, Suburban (Walkable) land use designation.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
G-4 Suburban (Walkable) This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	Yes, The purpose of this project is adding a missing retail and automobile sales to an established suburban neighborhood.
ZONING DISTRICT	**DOES IT COMPLY?**
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.	Yes, the proposed zoning allows for retail and automobile (sales, service, storage, and rental).
POLICY	**DOES IT COMPLY?**
2.2.5: The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.	Yes, the applicant is proposing a retail and automobile sales within walking distance of an established commercial and residential neighborhood.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The parcel is 1.98 acres in size however the proposed automobile (sales, service, storage, and rental) is not allowed under the current C-1 (Commercial) zoning district.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The subject property is 1.98 acres in size and allows the proposed use under the proposed C-3 (Commercial) zoning. The applicant's proposal meets all dimensional requirements of the C-3 (Commercial) district.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the 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. The proposed zoning and the proposed use meet the intent of the zoning ordinance.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There are existing water and sewer mains along Montana Avenue available for service. The applicant will need to coordinate with EPWater to continue providing services to the property.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the Eastside Civic Association was contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 31, 2018. Planning Division did not receive any communication in

support or opposition to the rezoning request.

STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

ATTACHMENTS:
1. Detailed site development plan
2. Zoning Map
3. Future Land Use Map
4. Ordinance No. 5458 dated December 26, 1974 and amendment to contract dated April 3, 1984
5. Department Comments
6. Public Notification Boundary Map

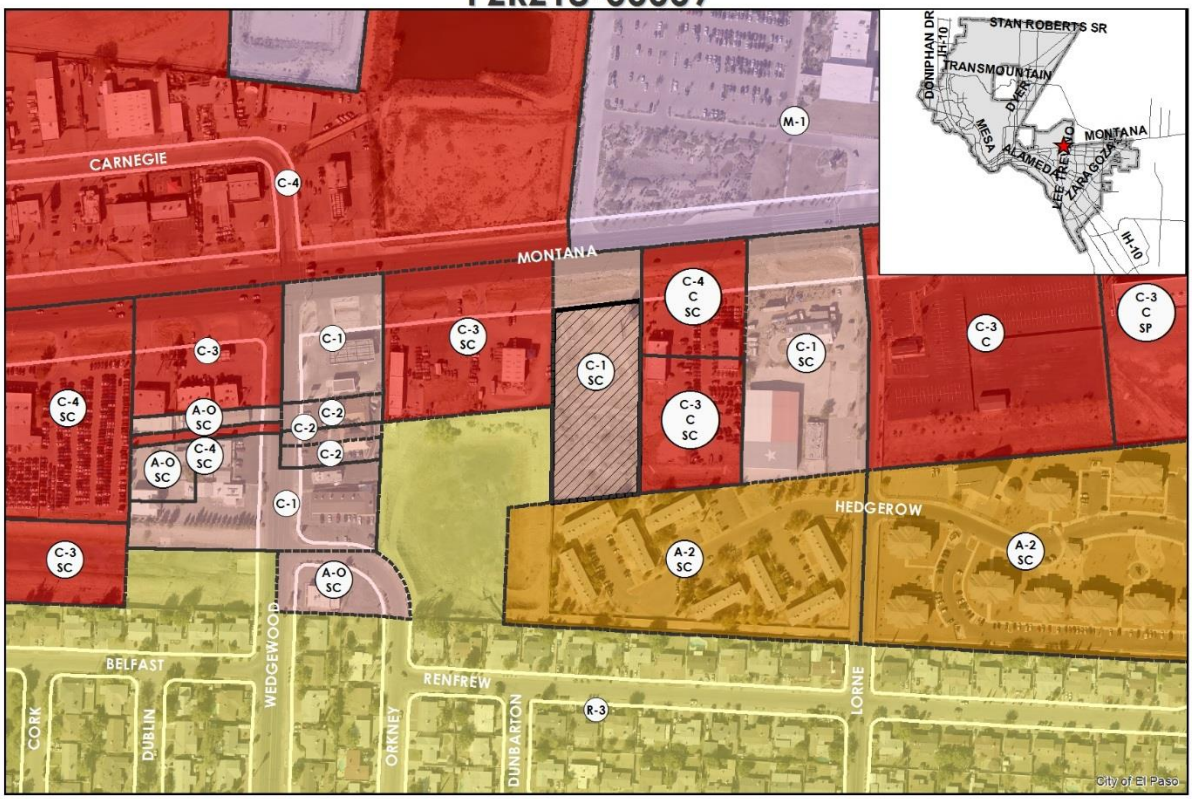
ATTACHMENT 1

Conceptual Site Plan

ATTACHMENT 2

Zoning Map

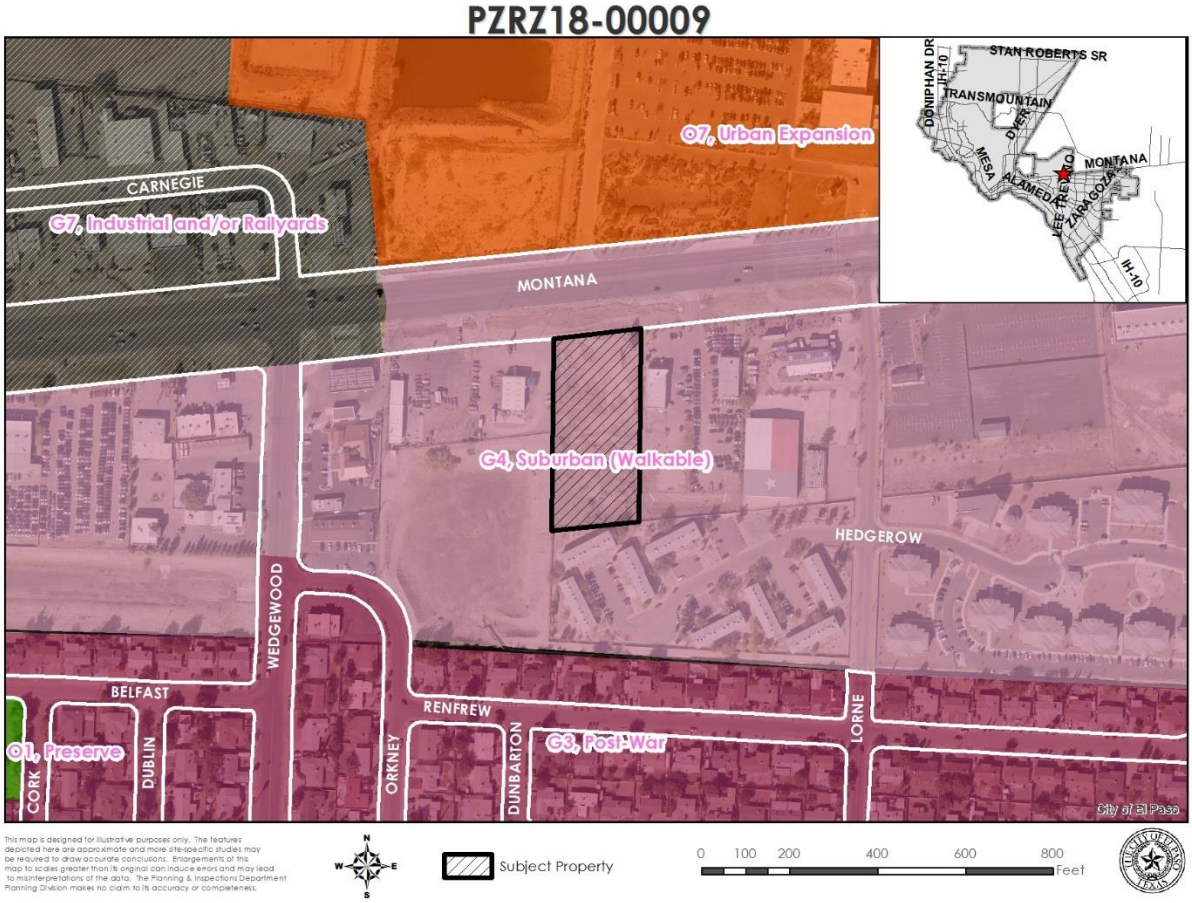
PZRZ18-00009



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 3

Future Land Use Map



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspections Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 4

Ordinance No. 5458 dated December 26, 1974 and amendment to contract dated April 3, 1984

5458

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, T & P RR SURVEYS, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of the following described portion of Tract 1A, Section 39, Block 80, Township 2, T & P RR Surveys be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel #1, from R-3 to C-3
Being the description of 1.936 acres of land out of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds as follows:

Beginning at a point for the northeast corner of the parcel herein described, said point being on the southerly right of way line of U. S. Highway No. 62 (Montana Avenue-200 feet wide) and from which point the intersection of the southerly right of way line of said U. S. Highway No. 62 with the westerly right of way line of Lorne Road (60 feet wide) bears North 81° 13' 30" East a distance of 675.47 feet;

Thence South 1° 02' East a distance of 215.38 feet to a point for the northeast corner of the Scotsdale Ponding Area;

Thence South 81° 13' 30" West a distance of 395.14 feet to a point on the easterly line of Scotsdale Unit 2A;

Thence North 1° 02' West a distance of 215.38 feet along the easterly line of Scotsdale Unit 2A to a point on the southerly right of way line of U. S. Highway No. 62;

Thence North 81° 13' 30" East a distance of 395.14 feet along the southerly right of way line of U. S. Highway No. 62 to the point of beginning.

Parcel #2, from R-3 to C-1
Being the description of 6.827 acres of land out of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas, and being more fully described by metes and bounds as follows:

5458

-1-

Contract Amendment (10/16/84)

74-3878 74-3878

Exhibit "B"
1 of 2

Beginning at a point for the intersection of the southerly right of way line of U. S. Highway No. 62 (Montana Avenue-200 feet wide) with the westerly right of way line of Lorne Road (60 feet wide), said point being the northeast corner of the parcel herein described;

Thence South 8° 46' 30" East a distance of 100.00 feet along the westerly right of way line of Lorne Road to a point;

Thence 85.12 feet along the westerly right of way line of Lorne Road which is a curve to the right having a central angle of 7° 44' 30", a radius of 630.00 feet and a long chord which bears South 4° 54' 15" East a distance of 85.05 feet to a point;

Thence South 1° 02' East a distance of 247.71 feet along the westerly right of way line of Lorne Road to a point on the southerly line of Tract 1A, Section 39, Block 80, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas;

Thence South 81° 13' 30" West a distance of 694.86 feet along the southerly line of said Tract 1A to a point on the easterly line of the Scotsdale Ponding Area;

Thence North 1° 02' West a distance of 433.97 feet to a point on the southerly right of way line of U. S. Highway No. 62;

Thence North 81° 13' 30" East a distance of 675.47 feet along the southerly right of way line of U. S. Highway No. 62 to the point of beginning.

PASSED AND APPROVED this 26th day of December, 1974.

Mayor

ATTEST:

City Clerk

Certify that the zoning map has been revised to reflect the amendment of ordinance 5458

Date 3-3-75

I CERTIFY THAT THE FOLLOWING ZONING MAP HAS BEEN REVISED: A.O
2-28-75 COUNTER
2-28-75 ORIGINAL
2-28-75 Plots Inspection
2-28-75 CONTROL

5458

74-3878

Exhibit "B"
2 of 2

Portion of Trace 1-K, Section 39, Block 80, Township 2
T & P RR Surveys, City of El Paso, El Paso County, Texas

PREPARED FOR: Mr. George Ayoub

PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Beginning at a point, said point being the intersection of the southerly right-of-way line of U.S. Highway No. 62 (Montana Avenue) with the westerly right-of-way line of Lorna Road;

Thence South 08° 46' 31" East along the westerly right-of-way line of Lorna Road a distance of 100.00 feet;

Thence 85.12 feet along the aforesaid westerly right-of-way line and along the arc of a curve to the right whose radius is 630.00 feet, whose interior angle is 7° 44' 30" and whose long chord bears South 04° 54' 15" East a distance of 85.05 feet;

Thence South 01° 02' East along the aforesaid right-of-way line a distance of 117.13 feet;

Thence South 81° 13' 30" West a distance of 121.10 feet;

Thence South 01° 02' East a distance of 130.28 feet;

Thence South 81° 13' 30" West a distance of 142.74 feet;

Thence North 01° 02' West a distance of 433.86 feet;

Thence North 81° 12' East along the southerly right-of-way line of U.S. Highway No. 62 a distance of 244.46 feet to the POINT OF BEGINNING and containing in all 96382.23 square feet or 2.21263 acres of land more or less.

MENGEL ENGINEERING, INC.

George H. Mengel, R. P. S. 1/2172

November 23, 1983

Exh. "A"

Exhibit "C"
1 of 1

74-3878

CONTRACT

This contract, made this 21 day of November 1974, by and between GEORGE J. AYOUB, HALEM A. AYOUB and YAZBIK DAW, copartners doing business as MONTANA & LORNE JOINT VENTURE, First Parties; MAURICE MEYER, JR., GEORGE C. FRASER, III, and GEORGE A. WILSON, Trustees of TEXAS PACIFIC LAND TRUST, Second Parties; and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5458, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits will be issued for construction on the property until site development and architectural plans of the proposed development thereon have been reviewed and approved by the City Plan Commission of the City of El Paso.

2. No building, structure, or part thereof, shall be placed on the property closer than sixty feet to the northerly boundary of the property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties, Second Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

Exhibit "A"
1 of 2

74-3878

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS the following signatures and seal:

George J. Ayoub

Halem A. Ayoub

Yazbik Daw

Trustee of Texas Pacific Land Trust

Trustee of Texas Pacific Land Trust

Trustee of Texas Pacific Land Trust

THE CITY OF EL PASO

by _____
Mayor

ATTEST:

_____
City Clerk

74. 3878

Exhibit "A"
2 of 2

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

This amendment to contract is made this 3rd day of APRIL, 1984, by and between Charles E. Black, Sr., Charles E. Black, Jr., Bill Walker and Vicki Walker, First Parties and the City of El Paso, Second Party.

WHEREAS, by contract dated November 21, 1974, recorded in Book 568, Page 39, of the Deed Records of El Paso County, Texas, the Second Party, and George J. Ayoub, Halem A. Ayoub and Yazbik Daw, copartners doing business as Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, placed certain restrictions, conditions and covenants on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso. El Paso County, Texas. Said Contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and binding upon the successors in title. Reference is hereby made to such contract, which is attached hereto as Exhibit "A,' for the provisions thereof, and

WHEREAS, the First Parties are successors in title to Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust as to a portion of the property restricted by Exhibit "A." The property of the First Parties being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "B," which is made a part hereof by reference,

NOW, THEREFORE, the parties do hereby mutually agree as follows:

1. In consideration of the premises, the First and Second Parties agree that restriction No. 2 of the above-described contract, Exhibit "A," as it pertains to the above-described property in Exhibit "B," is hereby amended to read as follows:

2. No building, structure or part thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property.

74-3878

"Exhibit D"
1 of 3

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

This amendment to contract is made this 3rd day of April, 1984, by and between Charles E. Black, Sr., Charles E. Black, Jr., Bill Walker and Vicki Walker, First Parties and the City of El Paso, Second Party.

WHEREAS, by contract dated November 21, 1974, recorded in Book 568, Page 39, of the Deed Records of El Paso County, Texas, the Second Party, and George J. Ayoub, Halem A. Ayoub and Yazbik Daw, copartners doing business as Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, placed certain restrictions, conditions and covenants on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas. Said Contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and binding upon the successors in title. Reference is hereby made to such contract, which is attached hereto as Exhibit "A," for the provisions thereof, and

WHEREAS, the First Parties are successors in title to Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust as to a portion of the property restricted by Exhibit "A." The property of the First Parties being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "B," which is made a part hereof by reference,

NOW, THEREFORE, the parties do hereby mutually agree as follows:

1. In consideration of the premises, the First and Second Parties agree that restriction No. 2 of the above-described contract, Exhibit "A," as it pertains to the above-described property in Exhibit "B," is hereby amended to read as follows:

2. No building, structure or part thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property.

Ord # 5458 (12/26/74)
Contract (11/21/74)

74-3878

2. In all other respects such contract, Exhibit "A," shall remain unchanged.

FIRST PARTIES

Charles E. Black, Sr.

Charles E. Black, Jr.

Bill Walker

Vicki Walker

SECOND PARTY
City of El Paso

By
Mayor

ATTEST:

City Clerk

I CERTIFY THAT THE ZONING MAP HAS BEEN REVISED TO REFLECT THE CHANGE OF THIS AMENDMENT TO CONTRACT DATED 4-3-84. 5-16-84

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

Planning Department

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 2 day of April, 1984, by Charles E. Black, Sr.

Notary Public, State of Texas

My Commission Expires:
12/16/87

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instruments was acknowledged before me on this 1 day of April, 1984, by Charles E. Black, Jr.

Notary Public, State of Texas

My Commission Expires:
12/16/87

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 9 day of April, 1984, by Bill Walker.

Notary Public, State of Texas

My Commission Expires:
12/16/87

74-3878

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 1 day of April, 1984, by Vicki Walker.

Notary Public, State of Texas

My Commission Expires:

12/4/87

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 3rd day of APRIL, 1984, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

Notary Public, State of Texas

My Commission Expires:

10/21/87

74-3878

m Block

CONTRACT

This contract, made this 21 day of November, 1974, by and between GEORGE J. AYOUB, HALEM A. AYOUB and YAZBIK DAW, copartners doing business as MONTANA & LORNE JOINT VENTURE, First Parties; MAURICE MEYER, JR., GEORGE C. FRASER, III, and GEORGE A. WILSON, Trustees of TEXAS PACIFIC LAND TRUST, Second Parties; and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5458, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No building permits will be issued for construction on the property until site development and architectural plans of the proposed development thereon have been reviewed and approved by the City Plan Commission of the City of El Paso.

2. No building, structure, or part thereof, shall be placed on the property closer than sixty feet to the northerly boundary of the property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties, Second Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

74-3878

74-3878

Exhibit A

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS the following signatures and seal:

George J. Ayoub

Halem A. Ayoub

Yazbek Daw

Trustee of Texas Pacific Land Trust

Trustee of Texas Pacific Land Trust

Trustee of Texas Pacific Land Trust

THE CITY OF EL PASO

by

Mayor

ATTEST:

City Clerk

74-3878

74-3878

Portion of Trace 1-K, Section 39, Block 80, Township 2
T & P RR Surveys, City of El Paso, El Paso County, Texas

PREPARED FOR: Mr. George Ayoub

PROPERTY DESCRIPTION

Description of a parcel of land being a portion of Tract 1-K, Section 39, Block 80, Township 2, T & P RR Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows to wit:

Beginning at a point, said point being the intersection of the southerly right-of-way line of U.S. Highway No. 62 (Montana Avenue) with the westerly right-of-way line of Lorne Road;

Thence South 08° 46' 31" East along the westerly right-of-way line of Lorne Road a distance of 100.00 feet;

Thence 85.12 feet along the aforesaid westerly right-of-way line and along the arc of a curve to the right whose radius is 630.00 feet, whose interior angle is 7° 44' 30" and whose long chord bears South 04° 54' 15" East a distance of 85.05 feet;

Thence South 01° 02' East along the aforesaid right-of-way line a distance of 117.13 feet;

Thence South 81° 13' 30" West a distance of 121.10 feet;

Thence South 01° 02' East a distance of 130.29 feet;

Thence South 81° 13' 30" West a distance of 142.74 feet;

Thence North 01° 02' West a distance of 433.86 feet;

Thence North 81° 12' East along the southerly right-of-way line of U.S. Highway No. 62 a distance of 244.46 feet to the POINT OF BEGINNING and containing in all 96382.23 square feet or 2.21263 acres of land more or less.

MENGEL ENGINEERING, INC.

74-3878

George H. Mengel, R. P. S. 1/2172

Exhibit F

November 23, 1983

RESOLUTION

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

That the Mayor be authorized to sign an amendment to a contract with CHARLES E. BLACK, SR., CHARLES E. BLACK, JR., BILL WALKER AND VICKI WALKER amending the restrictions, conditions and covenants placed on the property which was rezoned by Ordinance 5458.

ADOPTED this 3rd day of APRIL, 1984.

Jonathan W Rogers

Mayor

ATTEST:

Lilia Reyes

City Clerk

APPROVED AS TO FORM:

Theresa Cullen-Garney

Assistant City Attorney

RESOLUTION

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

That the Mayor be authorized to sign a contract amendment between the CITY OF EL PASO and CHARLES E. BLACK, SR., CHARLES E. BLACK, JR., BILL WALKER and VICKI WALKER, amending the contract between the City of El Paso and George J. Ayoub, Halem A. Ayoub and Hazbik, co-partners d/b/a Montana & Lorne Joint Venture and Maurice Meyer, Jr., George C. Fraser, III., and George A. Wilson, Trustees of Texas Pacific Land Trust, whereby certain restrictions, conditions and covenants were placed on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys in the City of El Paso, El Paso County, Texas.

Adopted this 16th day of October, 1984.

E. W. Joe Divin
Mayor
MAYOR PRO-TEM

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

74-3878

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT AMENDMENT

This contract amendment is made this 16th day of October, 1984, by and between CHARLES E. BLACK, SR., CHARLES E. BLACK, JR., BILL WALKER AND VICKI WALKER, First Parties, and the CITY OF EL PASO, Second Party, Witnesseth:

WHEREAS, by contract dated November 21, 1974, recorded in Book 568, page 39 of the Deed Records of El Paso County, Texas, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference, George J. Ayoub, Halem A. Ayoub and Yazbik Daw, co-partners doing business as MONTANA & LORNE JOINT VENTURE and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, and the CITY OF EL PASO, placed certain restrictions, conditions and covenants on a portion of Tract 1A, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5458 of the City of EL Paso, a copy of which is attached hereto marked Exhibit "B" and made a part hereof by reference. Said contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and binding upon the successors in title, and

WHEREAS, the First Parties are the successors in title to MONTANA & LORNE, JOINT VENTURE and Maurice Meyer, Jr., George C. Fraser, III, and George A. Wilson, Trustees of Texas Pacific Land Trust, as to a portion of the property restricted by Exhibit "A." The property of the First Parties being a portion of Tract 1-K, Section 39, Block 80, Township 2, Texas & Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas, which is more particularly described by metes and bounds in the attached Exhibit "C" which is made a part hereof by reference, and

WHEREAS, by Contract Amendment dated April 3, 1984, recorded in Book 1441, page 0283 of the Deed Records of El Paso County, Texas, a

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copy of which is attached hereto marked Exhibit "D" and made a part hereof by reference. The First Parties and the City of El Paso amended the contract referred to herein as Exhibit "A" and the Parties hereto now desire to further amend such contract as hereinafter provided,

NOW THEREFORE, the Parties do mutually agree as follows:

1. In consideration of the premises, the First and Second Parties agree that Restriction No. 2 of the above-described contract, Exhibit "A" and its Contract Amendment, Exhibit "D" as it pertains to the above-described property in Exhibit "C" is hereby amended to read as follows:

> 2. No building, structure or part thereof, shall be placed on the property closer than forty (40) feet to the northerly boundary of the property except for the following exception. One on-premise sign will be permitted within the forty (40) foot setback, however, such sign shall be removed at the property owner's sole expense, upon request by the City Engineer of the City of EL Paso at such time as further right-of-way is needed for the widening of Montana Avenue.

2. To the extent not herein amended, the contract referred to herein as Exhibit "A" and the contract amendment referred to herein as Exhibit "D" shall continue in full force and effect.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTIES

Charles E. Black, Sr.

Charles E. Black, Jr.

Bill Walker

Vicki Walker

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED:

COUNTER

ORIGINAL

10-19-84 CONTROL

THE CITY OF EL PASO
Second Party

By
Mayor MAYOR PRO-TEM

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ATTEST:

City Clerk

APPROVED AS TO CONTENT:

Planning Department

APPROVED AS TO FORM:

Assistant City Attorney

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 12 day of October, 1984, by Charles E. Black, Sr., Charles E. Black, Jr., Bill Walker, and Vicki Walker.

Notary Public, State of Texas

My Commission Expires:

8-16-84

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 16th day of October, 1984, by ~~JONATHAN W. ROGERS~~ E.W. Joe Davis, Mayor Pro Tem for the City of El Paso.

Notary Public, State of Texas

My Commission Expires:

6/30/88

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ATTACHMENT 5

Department Comments

Planning and Inspections Department - Planning Division - Transportation

No objections to the rezoning.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

TXDOT

Requestor has to coordinate with TxDOT for the location of a proposed driveway. TxDOT will not approve a driveway until the owner or his engineer coordinate with the design or construction engineer.

Planning and Inspections Department – Building and Development Permitting

No comments received.

Planning and Inspections Department - Land Development

Show proposed drainage flow patterns flowing into an on-site private pond.

Coordiane with TXDOT for drainage and access requirements.

Fire Department

Recommend approval.

Sun Metro

No comments received.

El Paso Water

El Paso Water (EPWater) does not object to this request.

Water

There is an existing 8-inch diameter water main that extends along the south side of Montana Ave., approximately 13-feet north of and parallel to the southern right-of-way line of Montana Ave. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the south side of Montana Ave., approximately 20-feet north of and parallel to the southern right-of-way line of Montana Ave. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

EPWater records indicate there is no water meter serving the subject property.

Previous water pressure readings conducted on fire hydrant number 9916 located along Montana Avenue approximately 862 feet east of Wedgewood Drive have yielded a static pressure of 50 pounds per square inch (psi), residual pressure of 48 psi, discharge of 1,007 gallons per minute (gpm).

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Montana Ave., approximately 3-feet north of and parallel to the southern right-of-way line of Montana Ave. This sanitary sewer main is available for service.

General

Montana Ave. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Montana Ave. right-of-way requires written permission from TxDOT.

EPWater requires a new service application to provide services 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 EPWater 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.

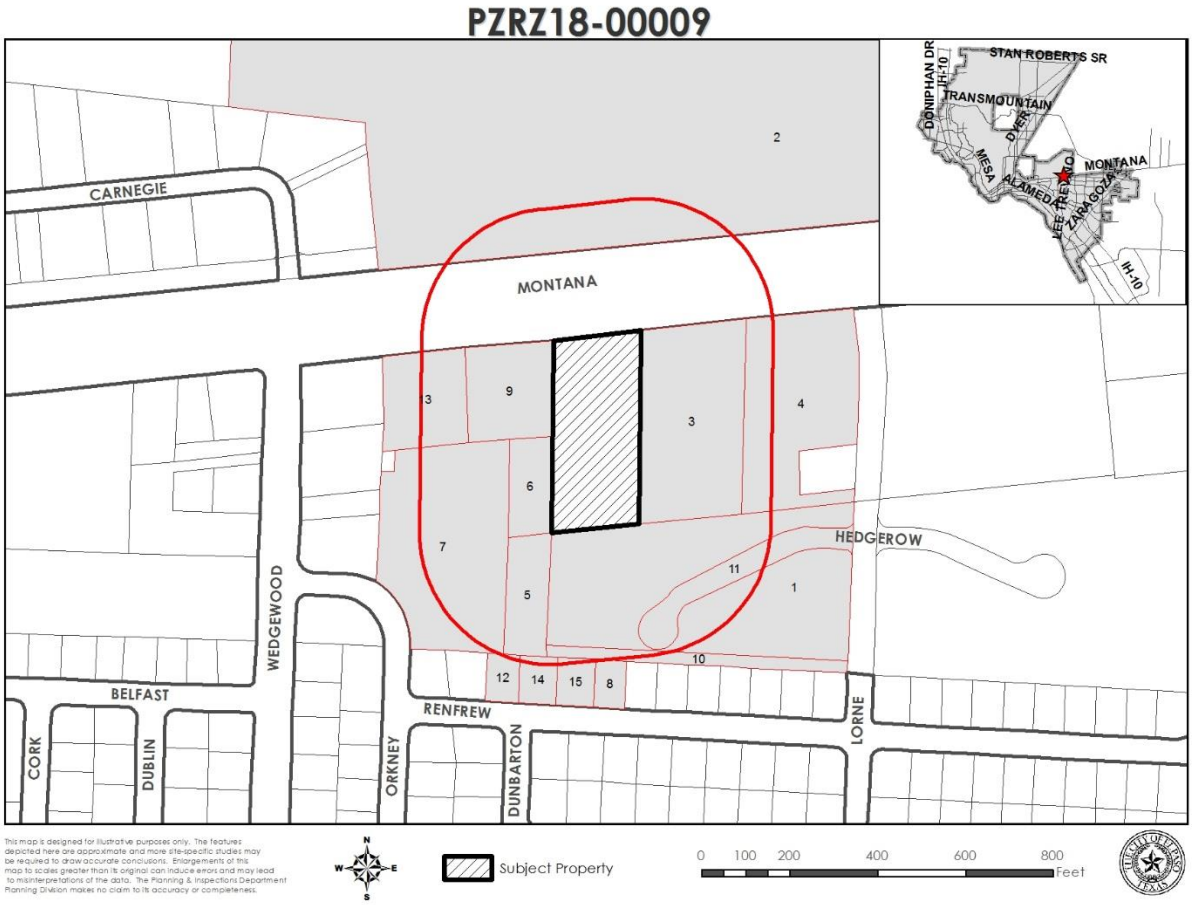
El Paso Water – Stormwater Engineering

1. Provide an acceptable drainage plan in accordance with Section 19.01.050 of the current City Ordinance.

2. The developer previously asked permission to connect to the stormwater pond in the rear. This property is not identified as part of any watershed considered in the design and capacity of the pond, so he needs to provide a drainage study, signed and sealed by a Professional Engineer from the state of Texas that can prove that the pond can handle this additional runoff.

3. The developer shall be responsible for the additional stormwater runoff generated by the proposed property, and must ensure that the historic runoff volume, peak and duration are maintained.

4. EPW - Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

ATTACHMENT 6

Public Notification Boundary Map