

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

**DEPARTMENT:** Planning & Inspections, Planning Division

**AGENDA DATE:** February 2, 2021

**PUBLIC HEARING DATE:** Mach 2, 2021

**CONTACT PERSON NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Martinez, Adriana, (915) 212-1611

**DISTRICT(S) AFFECTED:** 7

---

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An ordinance releasing all conditions placed on the property by Ordinance No. 7313 & 17870 which changed the zoning of Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 1351 and 1355 Zaragoza Rd.  
Applicant: Palo Verde Business Park, LLC; PZCR20-00002

**BACKGROUND / DISCUSSION:**

The applicant is requesting to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012. The proposed condition release is to waive the request of the submittal and approval of a Detailed Site Development prior to the issuance of any building permit as required by Ordinance No. 17870. City Plan Commission recommended 7-0 to approve the proposed rezoning on November 19, 2020. As of January 26, 2021, staff has not received any calls in support or opposition to the condition release request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

---

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

**DEPARTMENT HEAD:**



---

Philip F. Etiwe – Planning and Inspections Director

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

**AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 7313 & 17870 WHICH CHANGED THE ZONING OF LOT 2 & 3, BLOCK 1, LAS TERRAZAS SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS**, the zoning of the property described as Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 7313 and Ordinance No. 17870 approved by City Council on September 8, 1981 and September 18, 2012; and,

**WHEREAS**, the rezoning was subject to certain zoning conditions, and

**WHEREAS**, placement of such conditions were 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 all of the conditions because these conditions have been satisfied or are current requirement of the City Code; 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 all conditions; and,

**WHEREAS**, the City Council of the City of El Paso has determined that the release of certain 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 all of the zoning conditions imposed by Ordinance No.7313 and Ordinance No. 17870 approved by City Council on September 8, 1981 and September 18, 2012, on the portion of land identified in Exhibit “A” be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the city code.

Conditions to be released are identified in Ordinance No. 7313 and Ordinance No. 17870 and attached as Exhibit “B”.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Laura D. Prine  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Leslie B. Jean-Pierre  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

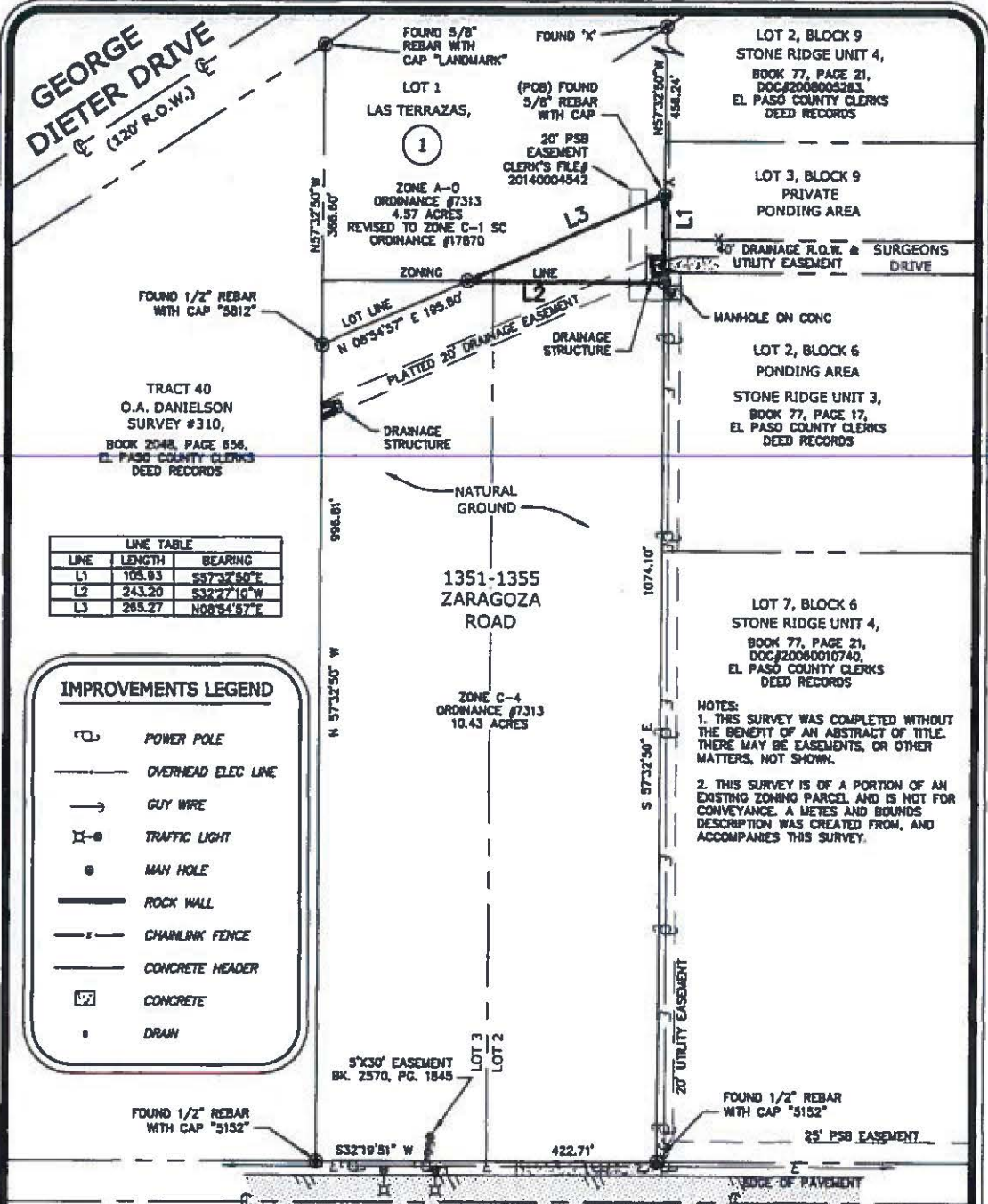
(Exhibits on the following pages)

**ORDINANCE NO.** \_\_\_\_\_  
20-1007-2671 | 1045751  
1351 & 1355 Zaragoza Rd.  
LBJ

**PZCR20-00002**

EXHIBIT "A"

**GEORGE  
DIETER DRIVE**  
120' R.O.W.



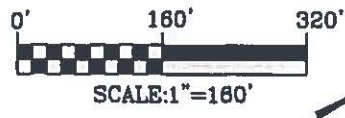
TRACT 40  
O.A. DANIELSON  
SURVEY #310,  
BOOK 2048, PAGE 856,  
EL PASO COUNTY CLERKS  
DEED RECORDS

LINE TABLE		
LINE	LENGTH	BEARING
L1	105.83	S57°32'50"E
L2	243.20	S32°27'10"W
L3	285.27	N08°54'57"E

**IMPROVEMENTS LEGEND**

- POWER POLE
- OVERHEAD ELEC LINE
- GUY WIRE
- TRAFFIC LIGHT
- MAN HOLE
- ROCK WALL
- CHAINLINK FENCE
- CONCRETE HEADER
- CONCRETE
- DRAIN

NOTES:  
1. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.  
2. THIS SURVEY IS OF A PORTION OF AN EXISTING ZONING PARCEL AND IS NOT FOR CONVEYANCE. A METES AND BOUNDS DESCRIPTION WAS CREATED FROM, AND ACCOMPANIES THIS SURVEY.



**ZARAGOZA ROAD**

**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

*(Signature)*  
JOHN A EBY TX-5372 NM-17775



A ZONING PARCEL LYING IN  
LOTS 2 & 3, BLOCK 1, LAS TERRAZAS,  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:  
CLERK'S FILE#  
20140002347

FIRM ZONE: X PANEL#: 480214-0046-C DATED: 2/16/2006  
DATE OF SURVEY: 03/10/2020 OFFICE: EA FIELD: JAE, AG, JC  
**PASO DEL NORTE SURVEYING INC.** PH. 915-241-1841  
1399B BRADLEY ROAD, EL PASO, TEXAS 7993B FAX 915-855-6925  
© COPYRIGHT

TBPEPS FIRM #10001200

## PROPERTY DESCRIPTION

### A portion of Zone C-1 SC in Ordinance #17870

Description of a parcel of land being a portion of that parcel zoned "C-1 SC" and lying in Lots 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas, map of said Las Terrazas Subdivision recorded in Clerk's File #20140002347, Plat Records, El Paso County, Texas and also lying in that same parcel recorded in Clerk's File #20200008342, El Paso County Clerks Records, and described as follows;

Beginning at a 5/8" rebar with cap stamped "Landmark" found for the northernmost corner of said Lot 2, from which a chiseled "X" at the east ROW of George Dieter Drive and found for the northernmost corner of Lot 1, Block 1, Las Terrazas Subdivision bears North 57°32'50" West a distance of 456.24', and being the "Point of Beginning";

Thence, along the northeasterly boundary of said Lot 2, Block 1, Las Terrazas Subdivision, South 57°32'50" East a distance of 105.93' to the intersection with the southeasterly zoning parcel line described in said Ordinance #17870;

Thence, with said southeasterly zoning parcel line, South 32°27'10" West a distance of 243.20' to the intersection with the common lot line of said Lots 1, 2 and 3, from which a 1/2" rebar with cap stamped "5812" found for the westernmost corner of said Lot 3, lies South 08°54'57" West a distance of 195.80';

Thence, with the common lot line of said Lots 1, 2 and 3, North 08°54'57" East a distance of 265.27' to the "Point Of Beginning" and containing 12,881 sq. ft. or 0.2957 acres.

Based on a field survey performed under my supervision and dated 03/10/2020.

  
John A Eby, Texas R.P.L.S. 5372 NM PLS 17779

Paso Del Norte Surveying Inc. TBPLS FIRM #10001200  
13998 Bradley Road  
El Paso, TX. 79938  
915-241-1841  
TBPLS FIRM #10001200



7313

AN ORDINANCE CHANGING THE ZONING OF  
TRACTS 39A AND 39B, O.A. DANIELSON  
SURVEY #310, THE PENALTY BEING AS  
PROVIDED IN SECTION 25-96 OF THE  
EL PASO CITY CODE

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

That the zoning of Tracts 39A and 39B, O. A. Danielson Survey #310, as more particularly described below, be changed A-O (Apartment-Office) District, and to C-4 (Commercial) District, within the meaning of the zoning ordinance, and the zoning map of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of the Ysleta-Carlsbad cutoff road; thence along said westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2177.30 feet to the point of beginning of the tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a point for a corner;

Thence along said westerly right of way line of the Ysleta-Carlsbad cut-off road north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2,177.30 feet to the corner of Tract 38 & Tract 39A; thence north 57°41' west a distance of 1,075.0 feet to the point of beginning of the tract being described;

8-1-68

Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8<sup>th</sup> day of Sept., 1981.

ATTEST:

Jonathan W. Rojas  
Mayor

W. W. [Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: # 612  
12-1-81 COUNTER  
12-1-81 ORIGINAL  
12-1-81 Bldg. Inspection  
12-1-81 CONTROL [Signature]

I certify that the zoning map has been revised to reflect the amendment of ordinance # 7313  
[Signature] Date 12-1-81

CONTRACT

THIS CONTRACT, made by and between MILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

~~Application has been made to the City of El Paso for rezoning of~~  
Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7313,<sup>del</sup> 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 Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

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

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 owners and holders of rights on the above described property and consent to this contract.

81-4668

1987

OFFICE OF  
PLANNING

Ord. # 7313  
y. t. 2, 9/8/81



WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By [Signature]  
Ernesto Moreno, Attorney-in-Fact

[Signature]  
Delmo M. Pearce

FLACHE FARMS, INC.

By: [Signature]  
President

THE CITY OF EL PASO

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Asst. City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1 day of April, 1981.

My commission expires:

2/1/84

[Signature]  
Notary Public in and for El Paso  
County, Texas

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared DELMO M. PEARCE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of October, 1981.

My commission expires:

[Signature]  
Notary Public in and for El Paso  
County, Texas

THE STATE OF TEXAS )  
 )  
COUNTY OF ~~FRANKS~~ )

BEFORE ME, the undersigned authority, on this day personally appeared G. PEARL FLACHE, President of FLACHE FARMS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of October, 1981.

My commission expires:

[Signature]  
Notary Public in and for ~~Franklin~~  
~~County, Texas~~  
the State of Texas  
(GUIN CLOUD)

3-19-84

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor [Signature], of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration and the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of Nov. 1981.

My commission expires:

[Signature]  
Notary Public in and for El Paso  
County, Texas

6-30-84

81-4668

POWER OF ATTORNEY

THE STATE OF TEXAS )  
                          ) KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF EL PASO   )


That HILANA, S. A., a corporation duly organized and operating under the laws of the United Mexican States, and having its principal office in Ciudad Juarez, Chihuahua, Mexico, has this day made, constituted and appointed, and by these presents does make, constitute and appoint ERNESTO MORENO OF EL PASO, Texas, the true and lawful Attorney of HILANA S. A. for said corporation and in its name, place and stead, to do any and every act and exercise any and every power that said corporation might or could do or exercise through any other person which the said Attorney shall deem proper and advisable, intending hereby to vest in him a full and universal Power-of-Attorney, and specifically including, but not by way of limitation: the power to purchase upon such terms and conditions as to the said Attorney shall seem proper, real property within El Paso County, Texas, and to borrow money without limitation in such amounts and upon such terms and conditions as to him shall seem proper, upon the security of said property and to execute and deliver promissory notes and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, whether with or without power of sale, or a deed or deeds of trust upon, covering or encumbering such real property or any part thereof or interest therein, containing such terms, stipulations, conditions, covenants, appointments of trustee and powers as to the said Attorney shall seem proper, to secure the payment of the notes or obligations given for such loan or loans; the power to contract to sell and to convey all or any part of any interest which said corporation has or to which it may be entitled in any and all real property located in El Paso County, Texas, to such parties and for such a price and upon such other terms and conditions as to the said Attorney shall seem proper, and to collect and receive all sums of money which may become due and owing to said corporation by reason of any such contract or conveyance; hereby giving and granting upon the said Attorney full power and authority to do and perform any and all things whatsoever requisite and necessary to be done in and about the premises as fully as to all intents and purposes as the undersigned

87-4668

corporation could do if personally present, hereby ratifying and confirming all that the said Attorney shall lawfully do in the premises by virtue hereof and the undersigned corporation agrees and represents to those dealing with the said Attorney that this Power-of-Attorney may be voluntarily revoked alone by revocation entered of record in the Office of the County Clerk of El Paso County, Texas.

IN WITNESS WHEREOF, this instrument is executed at Ciudad Juarez, Chihuahua, Mexico, on the 14th day of January, 1980.

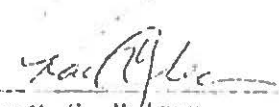
HILANA, S.A.

  
By \_\_\_\_\_  
Hilario Gabilondo, President  
of the Board of Directors

UNITED MEXICAN STATES )  
STATE OF CHIHUAHUA )  
CONSULATE GENERAL OF THE ) SS.  
UNITED STATES OF AMERICA )  
AT CIUDAD JUAREZ )

I, Robert G. Nelson Vice Consul  
of the United States of America at Ciudad Juarez, Mexico, duly commissioned and qualified, do hereby certify that on this the 14th day of January, 1980, before me personally appeared HILARIO GABILONDO, President of the Board of Directors of HILANA, S.A., to me personally known, and known to me to be the individual described in, whose name is subscribed to, and who executed the annexed instrument, and being informed by me of the contents of said instrument he duly acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set  
my hand and official seal the day and  
year last above written.

  
Robert G. Nelson  
Vice Consul of the United States of America

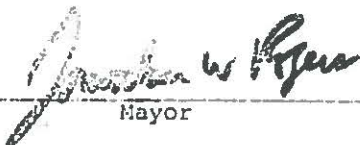
RESOLUTION

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

That the Mayor be authorized to sign a contract with  
HILANA, S.A., et al, placing certain restriction, conditions  
and covenants on the property being rezoned by Ordinance No. 7313 *det.*


ADOPTED this 3<sup>rd</sup> day of NOVEMBER, 1981.

ATTEST:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

81-4668

ORDINANCE NO. 017870

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) to C-1/SC (COMMERCIAL/SPECIAL CONTRACT), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

*I, That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

PASSED AND APPROVED this 18<sup>th</sup> day of September, 2012.

THE CITY OF EL PASO

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

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

APPROVED AS TO FORM:

*Lupe Cuellar*  
\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

*Mathew S. McElroy*  
\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

11/4/81

TO

DATE

ZONING SECTION	
LAND PLANNING	
MAPPING SECTION	<i>Paul [unclear] 12-1-81</i>
E.D.P. SECTION	
SPECIAL PERMIT/SITE DEVELOP. PLAN	
MPO	

REPRODUCE:

RETURN TO: *[Signature]*

By (DATE):

ORDINANCE NO:

*7313*

DATE:

*9/8/81*

CONTRACT:

*attached dated 11/3/81*

CASE NO:

*81-4668*

NOTES:

AN ORDINANCE CHANGING THE ZONING OF TRACTS 39A AND 39B, O.A .DANIELSON SURVEY #310, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of Tracts 39A and 39B, O. A. Danielson Survey #310, as more particularly described below, be changed A-O (Apartment-Office) District, and to C-4 (Commercial) District, within the meaning of the zoning ordinance, and the zoning map of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of the Ysleta-Carlsbad cutoff road; thence along said westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2177.30 feet to the point of beginning of the tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a point for a corner;

Thence along said westerly right of way line of the Ysleta-Carlsbad cut-off road north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2,177.30 feet to the corner of Tract 38 & Tract 39A; thence north 57°41' west a distance of 1,075.0 feet to the point of beginning of the tract being described;

8-1-68  
C-4



Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8<sup>th</sup> day of Sept., 1981.

ATTEST:

Jonathan W. Rojas  
Mayor

William R. Coats  
City Clerk

APPROVED AS TO FORM:

Alan Rubin  
Assistant City Attorney

APPROVED AS TO CONTENT:

Raul Gonzalez  
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: # 601  
12-1-81 COUNTER  
12-1-81 ORIGINAL  
12-1-81 Bldg. Inspection  
12-1-81 CONTROL  
R. Gonzalez

I certify that the zoning map has been revised to  
reflect the amendment of ordinance # 7313  
R. Gonzalez Date 12-1-81

CONTRACT

THIS CONTRACT, made by and between MILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

~~Application has been made to the City of El Paso for rezoning of~~  
Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7313<sup>del</sup>, 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 Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

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

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 owners and holders of ~~title~~ <sup>interest</sup> on the above described property and consent to this contract.

81-4668

1981

CITY OF  
EL PASO

Ord # 7313  
Y. F. 2. 9/8/81

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By [Signature]  
Ernesto Moreno, Attorney-in-Fact

[Signature]  
Delmo M. Pearce

FLACHE FARMS, INC.

By: [Signature]  
President

THE CITY OF EL PASO

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Asst. City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1 day of July, 1981.

My commission expires:

2/1/84

[Signature]  
Notary Public in and for El Paso  
County, Texas

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared DELMO N. PEARCE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

My commission expires:

\_\_\_\_\_  
Notary Public in and for El Paso  
County, Texas

THE STATE OF TEXAS )  
 )  
COUNTY OF ~~FRANKS~~ )

BEFORE ME, the undersigned authority, on this day personally appeared G. PEARL FLACHE, President of FLACHE FARMS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of October, 1981.

My commission expires:

3-19-84

\_\_\_\_\_  
Notary Public in and for ~~Franklin~~  
~~County, Texas~~  
the State of Texas  
(GUIN CLOUD)

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor \_\_\_\_\_, of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration and the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3<sup>rd</sup> day of Nov., 1981.

My commission expires:

6-30-84

Billy Jean Frankham  
Notary Public in and for El Paso  
County, Texas

51-4668

POWER OF ATTORNEY

THE STATE OF TEXAS )  
                          ) KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF EL PASO   )

That HILANA, S. A., a corporation duly organized and operating under the laws of the United Mexican States, and having its principal office in Ciudad Juarez, Chihuahua, Mexico, has this day made, constituted and appointed, and by these presents does make, constitute and appoint ERNESTO MORENO of El Paso, Texas, the true and lawful Attorney of HILANA S. A. for said corporation and in its name, place and stead, to do any and every act and exercise any and every power that said corporation might or could do or exercise through any other person which the said Attorney shall deem proper and advisable, intending hereby to vest in him a full and universal Power-of-Attorney, and specifically including, but not by way of limitation: the power to purchase upon such terms and conditions as to the said Attorney shall seem proper, real property within El Paso County, Texas, and to borrow money without limitation in such amounts and upon such terms and conditions as to him shall seem proper, upon the security of said property and to execute and deliver promissory notes and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, whether with or without power of sale, or a deed or deeds of trust upon, covering or encumbering such real property or any part thereof or interest therein, containing such terms, stipulations, conditions, covenants, appointments of trustee and powers as to the said Attorney shall seem proper, to secure the payment of the notes or obligations given for such loan or loans; the power to contract to sell and to convey all or any part of any interest which said corporation has or to which it may be entitled in any and all real property located in El Paso County, Texas, to such parties and for such a price and upon such other terms and conditions as to the said Attorney shall seem proper, and to collect and receive all sums of money which may become due and owing to said corporation by reason of any such contract or conveyance; hereby giving and granting upon the said Attorney full power and authority to do and perform any and all things whatsoever requisite and necessary to be done in and about the premises as fully as to all intents and purposes as the undersigned

81-4668

corporation could do if personally present, hereby ratifying and confirming all that the said Attorney shall lawfully do in the premises by virtue hereof and the undersigned corporation agrees and represents to those dealing with the said Attorney that this Power-of-Attorney may be voluntarily revoked alone by revocation entered of record in the Office of the County Clerk of El Paso County, Texas.

IN WITNESS WHEREOF, this instrument is executed at Ciudad Juarez, Chihuahua, Mexico, on the 14th day of January, 1980.

HILANA, S.A.

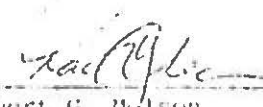


Hilario Gabilondo, President  
of the Board of Directors

UNITED MEXICAN STATES )  
STATE OF CHIHUAHUA )  
CONSULATE GENERAL OF THE ) SS.  
UNITED STATES OF AMERICA )  
AT CIUDAD JUAREZ )

I, Robert G. Melson, Vice Consul  
of the United States of America at Ciudad Juarez, Mexico, duly com-  
missioned and qualified, do hereby certify that on this the 14<sup>th</sup> day  
of January, 1980, before me personally appeared HILARIO GABILONDO,  
President of the Board of Directors of HILANA, S.A., to me personally  
known, and known to me to be the individual described in, whose name  
is subscribed to, and who executed the annexed instrument, and being  
informed by me of the contents of said instrument he duly acknowledged  
to me that he executed the same freely and voluntarily for the uses  
and purposes therein mentioned.

In witness whereof I have hereunto set  
my hand and official seal the day and  
year last above written.

  
Robert G. Melson  
Vice Consul of the United States of America

81-4668


RESOLUTION

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

That the Mayor be authorized to sign a contract with  
HILANA, S.A., et al, placing certain restriction, conditions  
and covenants on the property being rezoned by Ordinance No. 7313 *let*

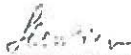
ADOPTED this 3<sup>rd</sup> day of NOVEMBER, 1981.

ATTEST:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

81-4468

# 1351 & 1355 Zaragoza Rd.

City Plan Commission — November 19, 2020



**CASE NUMBER:** PZCR20-00002  
**CASE MANAGER:** Adriana Martinez, (915)212-1611, [MartinezAD@elpasotexas.gov](mailto:MartinezAD@elpasotexas.gov)  
**PROPERTY OWNER:** Palo Verde Business Park, LLC  
**REPRESENTATIVE:** William Van Haselen  
**LOCATION:** 1351 and 1355 Zaragoza Rd. (District 7)  
**PROPERTY AREA:** 10.43 acres  
**REQUEST:** To release a condition on the subject property imposed by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012

---

**RELATED APPLICATIONS:** PZRZ20-00017 (Rezoning)  
**PUBLIC INPUT:** None

**SUMMARY OF REQUEST:** The applicant is requesting to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012. The proposed condition release is to waive the request of the submittal and approval of a Detailed Site Development prior to the issuance of any building permit as required by Ordinance No. 17870.

**SUMMARY STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the condition release request. Staff finds the existing conditions are no longer necessary. The proposed development as depicted is consistent with other commercial districts in the immediate area, and meets the established character of its surrounding neighborhood. Furthermore, the proposed development meets the intent of the G-4, Suburban (Walkable) land use designation of *Plan El Paso*, the City's Comprehensive Plan in the East Planning area.

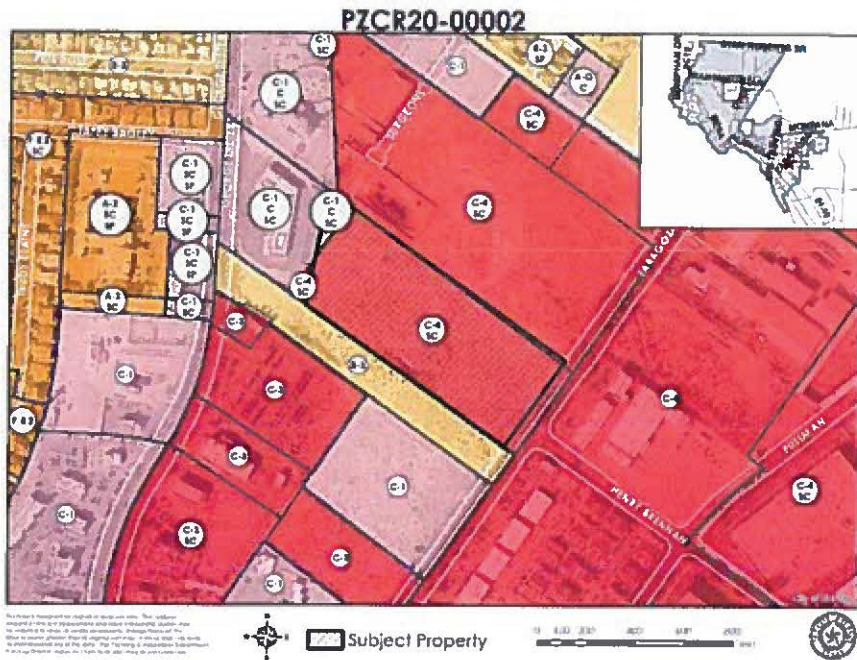


Figure A. Subject Property & Immediate Surrounding



**DESCRIPTION OF REQUEST:** The applicant has submitted a Condition Release application requesting to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012 for the property located at 1351 and 1355 Zaragoza Rd. The subject property is currently required to comply with the special contract provisions imposed by such Ordinance, which states in part:

Current condition per Ordinance No. 7313:

- *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

The subject property is has been platted as part of Las Terrazas Subdivision which was filed and recorded as of January 13, 2013, this condition has been met and is no longer needed (See attachment No. 7).

Current condition per Ordinance No. 17870:

- *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The applicant is proposing to develop the subject property to be used for office, business which is a permitted use in both C-1 (Commercial) and C-4 (Commercial) districts. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition is no longer necessary to protect the health, safety, and welfare of its established neighborhood.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development is consistent with the adjacent commercial development within its vicinity and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of G-4 Suburban (Walkable) use designation of *Plan El Paso* in the East Planning area. The nearest park is Blackie Chester Park (1.38 miles) and the nearest school is Myrtle Cooper Elementary (0.83 miles).

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-4 – Suburban:</b> 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.</p>	<p>Yes. The subject property, and the proposed development for it, meet the intent of the G-4 Suburban (Walkable) Future Land Use designation of <i>Plan El Paso</i>. The proposed development will introduce additional commercial uses, to the established neighborhood. The surrounded properties are zoned C-4 (Commercial), C-3 (Commercial), C-1 (Commercial), and R-3 (Residential). The surrounding area uses vary from hospital, commercial retail, restaurants, and financial institution.</p>

<b>COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:</b>	
<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-1 (Commercial)</b> Provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes, the site is suitable for uses permitted in the proposed district, and the proposed development is adjacent to other commercial uses. The surrounding uses consist of a hospital, medical offices, commercial retail, restaurants, and financial institution.</p>
<p><b>C-4 (Commercial) District:</b> Establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. 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.</p>	
<p><b>Preferred Development Locations:</b> Is the property in a "Compact Urban" area?</p>	<p>Yes, the subject property is located along Zaragoza Road, which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan.</p>
<b>THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the condition release request.</p>	<p>There are no adverse effects predicted from the proposed condition release. The existing infrastructure was originally designed for commercial use.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>No effect on the natural environment anticipated as the subject property is in an already developed area.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>Yes, the proposed development is within an older area of the city, which represent stability within the G-4, Suburban use designation of Plan El Paso.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>N/A</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Main access to the proposed commercial development will be Zaragoza Road, which is designated as a Major Arterial as per the City of El Paso's Major Thoroughfare Plan. The subject property as part of Las Terrazas Subdivision. Access and location of driveway on Zaragoza Road shall be coordinated with TxDOT. All existing or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction. There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Road, approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Road. This water main is available for service.

**PUBLIC COMMENT:** The subject property lies within the Eastside Civic Association. Notices sent to property owners within 300 feet on November 5, 2020. As of November 12, 2020, Planning has not received any calls in support or opposition to the condition release request.

---

**RELATED APPLICATIONS:** The applicant has submitted an application (PZRZ20-00017), a rezoning request. The proposal is to rezone the subject property from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract). The conceptual site plan accommodates a total of 15 commercial buildings to be used as business offices.

**CITY PLAN COMMISSION OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

**ATTACHMENTS:**

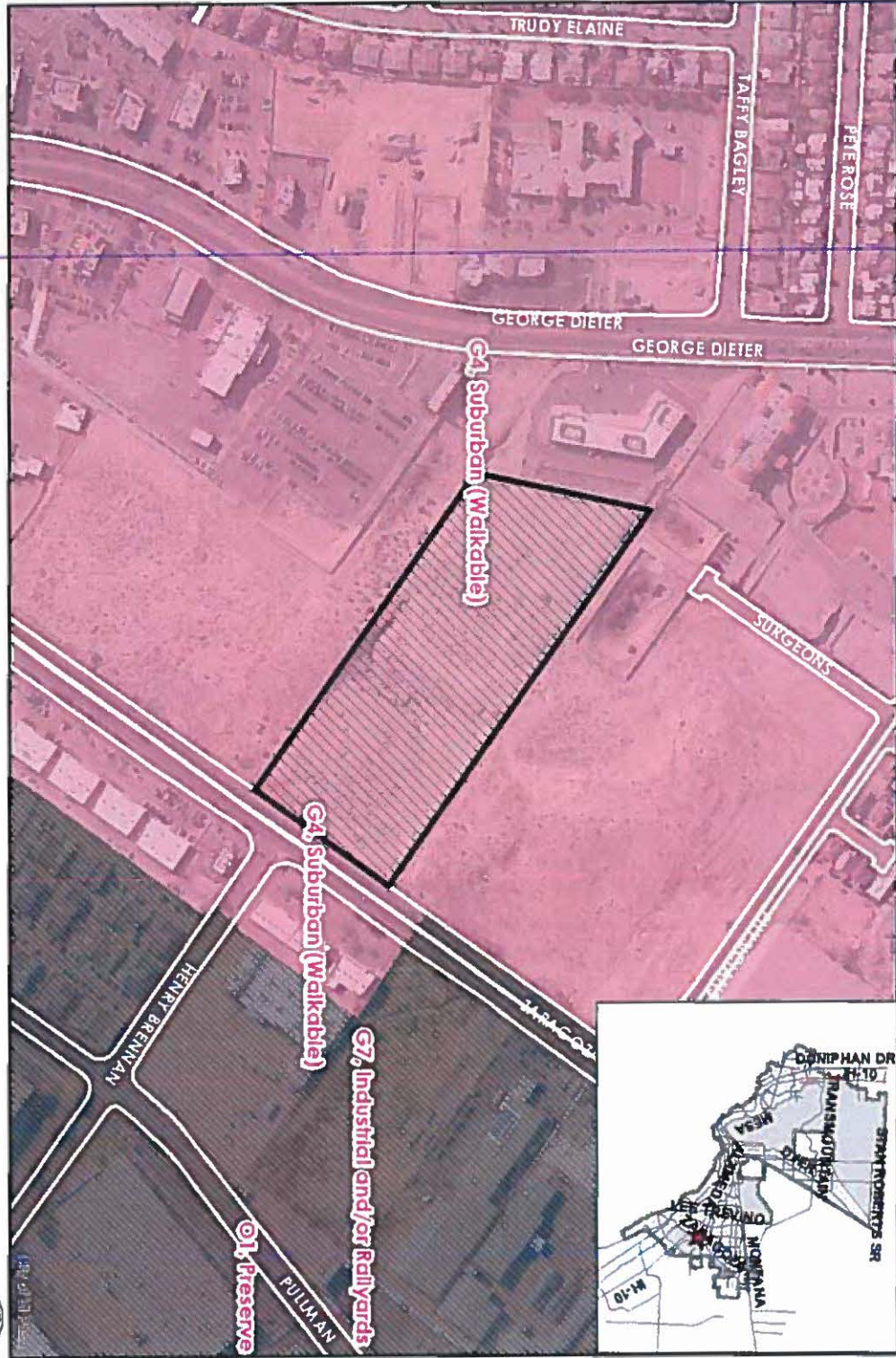
1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Site Plan
5. Ordinance No. 7313
6. Ordinance No. 17870
7. Recorded Subdivision

# ATTACHMENT 1

This map is developed for illustrative purposes only. The information shown on this map is not intended to be used as a basis for any legal action. The information shown on this map is not intended to be used as a basis for any legal action. The information shown on this map is not intended to be used as a basis for any legal action.



Subject Property



PZCR20-00002

# **ATTACHMENT 2**

## **Planning and Inspections Department – Planning**

No objections to the condition release.

### **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.

## **Planning and Inspections Department – Plan Review & Landscaping Division**

Recommended approval.

---

## **Planning and Inspections Department – Land Development**

No objections:

### **Fire Department**

Recommended approval.

### **Texas Department of Transportation**

TxDOT's comments are as follows:

- Requestor will need to submit a request for a driveway permit and for a grading and drainage review since improvements are proposed abutting TxDOT right-of-way.
- Requests may be submitted to [elp\\_access@txdot.gov](mailto:elp_access@txdot.gov).

### **Sun Metro**

Recommended approval.

### **Streets & Maintenance**

No objections.

### **El Paso Water**

We have reviewed the request described above and provide the following comments:

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

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

### **Water:**

There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 7-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

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

Previous water pressure from fire hydrant #5785 located at the northeast corner of Zaragoza Rd. and Henry Brennan Dr., has yielded a static pressure of 110 psi, a residual pressure of 70 psi, and

a discharge of 1,592 gallons per minute. 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

**Sewer:**

There is an existing 8-inch diameter sanitary sewer main that extends within a 20-foot PSB easement, north of and parallel to the north property line of the subject property. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Zaragoza Rd., approximately 9-feet east of and parallel to the western right-of-way line of Zaragoza Rd. This sanitary sewer main is available for service.

---

**General:**

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> floor. 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-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.

**Stormwater Engineering**

We have reviewed the property described above and provide the following comments:

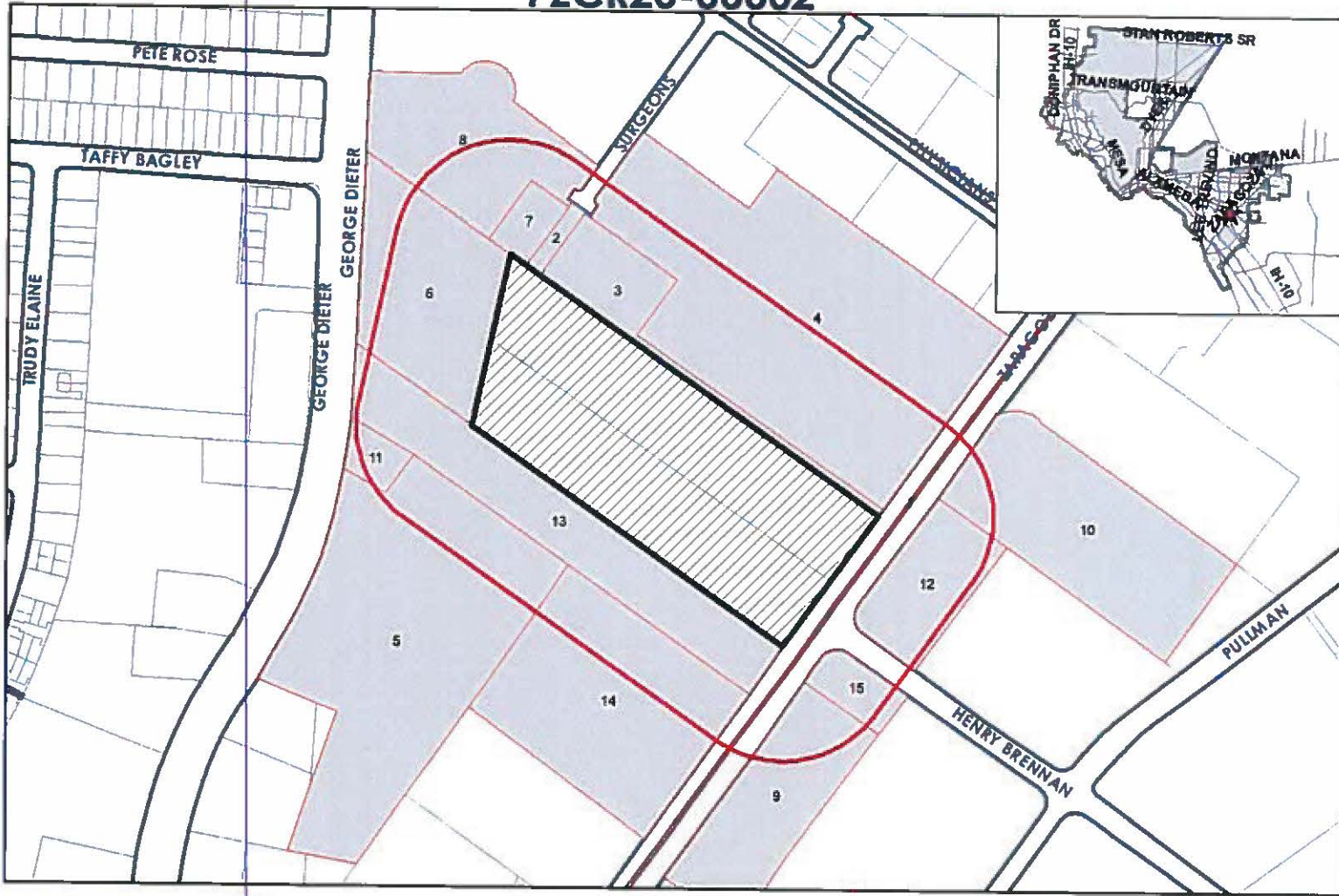
1. Show drainage flow patterns on the plot plan and identify the discharge location for all storm water runoff.
2. Zaragoza Rd. is a state highway; consult TXDOT if runoff is proposed to flow into their ROW.
3. The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.
4. Verify that the existing pond adjacent to the subject property was designed to take in the developed runoff from this property.

**El Paso County Water Improvement District #1**

The attached cases are not within the boundaries of EPCWID

# ATTACHMENT 3

PZCR20-00002



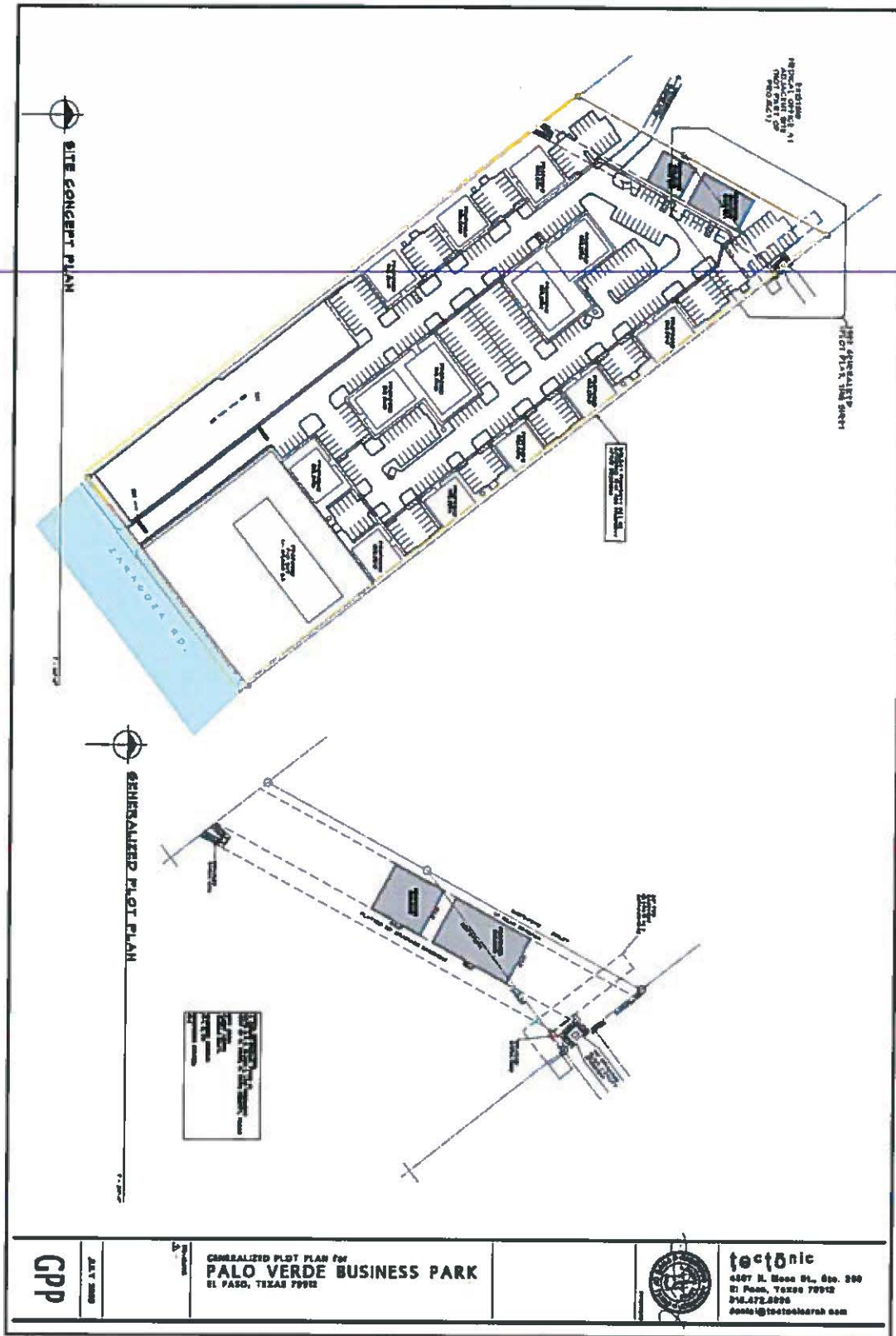
This map is designed for illustrative purposes only. The features depicted here are approximate and more specific details may be required to draw accurate conclusions. Enlargements of this map to a scale greater than its original scale may lead to misinterpretations of the data. The Planning & Inspection Department of Planning Division makes no claim to its accuracy or completeness.



 Subject Property  
 Parcels within 300 feet



# ATTACHMENT 4





# ATTACHMENT 5

7313

AN ORDINANCE CHANGING THE ZONING OF TRACTS 39A AND 39B, O.A. DANIELSON SURVEY #310, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of Tracts 19A and 39B, O. A. Danielson Survey #310, as more particularly described below, be changed A-O (Apartment-Office) District, and to C-4 (Commercial) District, within the meaning of the zoning ordinance, and the zoning map of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of the Ysleta-Carlsbad cutoff road; thence along said westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2177.30 feet to the point of beginning of the tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a point for a corner;

Thence along said westerly right of way line of the Ysleta-Carlsbad cut-off road north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2,177.30 feet to the corner of Tract 38 & Tract 39A; thence north 57°41' west a distance of 1,075.0 feet to the point of beginning of the tract being described;

-1-

*for fees*

Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8<sup>th</sup> day of Sept., 1981.

ATTEST:

Jonathan W. Rojas  
Mayor

William R. Cook  
City Clerk

APPROVED AS TO FORM:

Steve Robinson  
Assistant City Attorney

APPROVED AS TO CONTENT:

Raul Gonzalez  
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: # 62,  
12-1-81 COUNTER  
12-1-81 ORIGINAL  
12-1-81 Bldg. Inspection  
12-1-81 CONTROL R. Gonzalez

I certify that the zoning map has been revised to  
reflect the amendment of ordinance # 7313  
R. Gonzalez Date 12-1-81

CONTRACT

THIS CONTRACT, made by and between HILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

Application has been made to the City of El Paso for rezoning of Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7313,<sup>del</sup> 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 Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

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

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 owners and holders of ~~interests~~ <sup>interests</sup> in the above described property and consent to this contract.

81-4668

1981

1

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By Ernesto Moreno, Attorney-in-Fact

Delma M. Pearce

PLACHE FARMS, INC.

By: President

THE CITY OF EL PASO

By [Signature]

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
Asst. City Attorney

THE STATE OF TEXAS )  
                                  )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 1981.

My commission expires:

11/19/81

[Signature]  
Notary Public In and for El Paso  
County, Texas

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared DELMO M. PEARCE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 1981.

My commission expires: \_\_\_\_\_

*[Signature]*  
Notary Public in and for El Paso  
County, Texas  
MAY 12 1981

THE STATE OF TEXAS )  
 DAWSON )  
COUNTY OF DRAVENS )

BEFORE ME, the undersigned authority, on this day personally appeared G. PEARL FLACHE, President of FLACHE FARMS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of October, 1981.

My commission expires: \_\_\_\_\_

*[Signature]*  
Notary Public in and for Tarrant  
County, Texas  
the State of Texas  
(GUTH CLEON)

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor \_\_\_\_\_, of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration and the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of Nov., 1981.

My commission expires: \_\_\_\_\_

*[Signature]*  
Notary Public in and for El Paso  
County, Texas

6-30-84

51-4668

POWER OF ATTORNEY

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

KNOW ALL MEN BY THESE PRESENTS:

That HILANA, S. A., a corporation duly organized and operating under the laws of the United Mexican States, and having its principal office in Ciudad Juarez, Chihuahua, Mexico, has this day made, constituted and appointed, and by these presents does make, constitute and appoint ERNESTO MORCNO of El Paso, Texas, the true and lawful Attorney of HILANA S. A. for said corporation and in its name, place and stead, to do any and every act and exercise any and every power that said corporation might or could do or exercise through any other person which the said Attorney shall deem proper and advisable, intending hereby to vest in him a full and universal Power-of-Attorney, and specifically including, but not by way of limitation: the power to purchase upon such terms and conditions as to the said Attorney shall seem proper, real property within El Paso County, Texas, and to borrow money without limitation in such amounts and upon such terms and conditions as to him shall seem proper, upon the security of said property and to execute and deliver promissory notes and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, whether with or without power of sale, or a deed or deeds of trust upon, covering or encumbering such real property or any part thereof or interest therein, containing such terms, stipulations, conditions, covenants, appointments of trustee and powers as to the said Attorney shall seem proper, to secure the payment of the notes or obligations given for such loan or loans; the power to contract to sell and to convey all or any part of any interest which said corporation has or to which it may be entitled in any and all real property located in El Paso County, Texas, to such parties and for such a price and upon such other terms and conditions as to the said Attorney shall seem proper, and to collect and receive all sums of money which may become due and owing to said corporation by reason of any such contract or conveyance; hereby giving and granting upon the said Attorney full power and authority to do and perform any and all things whatsoever requisite and necessary to be done in and about the premises as fully as to all intents and purposes as the undersigned

81-4668

corporation could do if personally present, hereby ratifying and confirming all that the said Attorney shall lawfully do in the premises by virtue hereof and the undersigned corporation agrees and represents to those dealing with the said Attorney that this Power-of-Attorney may be voluntarily revoked alone by revocation entered of record in the Office of the County Clerk of El Paso County, Texas.

IN WITNESS WHEREOF, this instrument is executed at Ciudad Juarez, Chihuahua, Mexico, on the 14th day of January, 1980.

MILANA, S.A.

  
Hilario Gallardo, President  
of the Board of Directors

UNITED MEXICAN STATES )  
STATE OF CHIHUAHUA )  
CONSULATE GENERAL OF THE ) SS.  
UNITED STATES OF AMERICA )  
AT CIUDAD JUAREZ )

I, Robert G. Nelson Vice Consul  
of the United States of America at Ciudad Juarez, Mexico, duly commissioned and qualified, do hereby certify that on this the 14th day of January, 1980, before me personally appeared HILARIO GALLARDO, President of the Board of Directors of MILANA, S.A., to me personally known, and known to me to be the individual described in, whose name is subscribed to, and who executed the annexed instrument, and being informed by me of the contents of said instrument he duly acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set  
my hand and official seal the day and  
year last above written.

  
Robert G. Nelson  
Vice Consul of the United States of America

Form #71  
Fee \$3.00

81-4668

RESOLUTION

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

That the Mayor be authorized to sign a contract with  
MILANA, S.A., et al, placing certain restriction, conditions  
and covenants on the property being rezoned by Ordinance No. 7313 *del*

ADOPTED this 3<sup>rd</sup> day of November, 1981.

ATTEST:

*Jonathan W. Rye*  
Mayor

*Whit Keger*  
City Clerk

APPROVED AS TO FORM:

*Ken Vow*  
Assistant City Attorney

57-4668



# ATTACHMENT 6

CITY CLERK DEPT.  
2012 AUG 20 AM 7:25

15/14

9D

ORDINANCE NO. 017870

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) to C-1/SC (COMMERCIAL/SPECIAL CONTRACT), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.

PASSED AND APPROVED this 18<sup>th</sup> day of September, 2012.



THE CITY OF EL PASO

John F. Cook  
John F. Cook  
Mayor

Richarda Duffy Momsen  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar  
Lupe Cuellar  
Assistant City Attorney

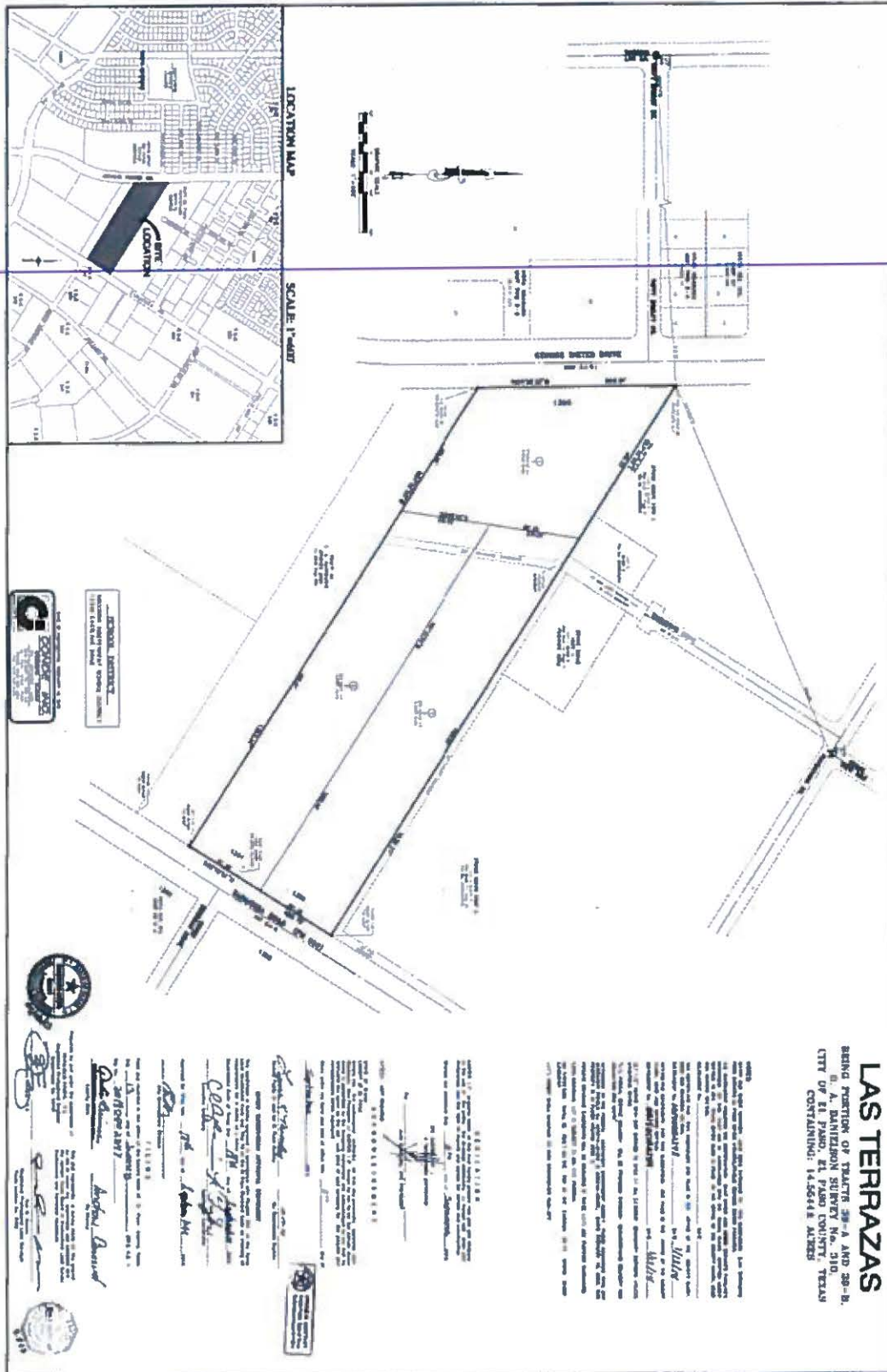
Matthew S. McElroy  
Matthew S. McElroy, Director  
City Development Department

128793/12-1007-390 004 v1 - Planning/PZRZ12-00017/ORD/R czonleg ORD  
Document Author: LCUE

ORDINANCE NO. 017870

Zoning Case No: PZRZ12-00017

# ATTACHMENT 7





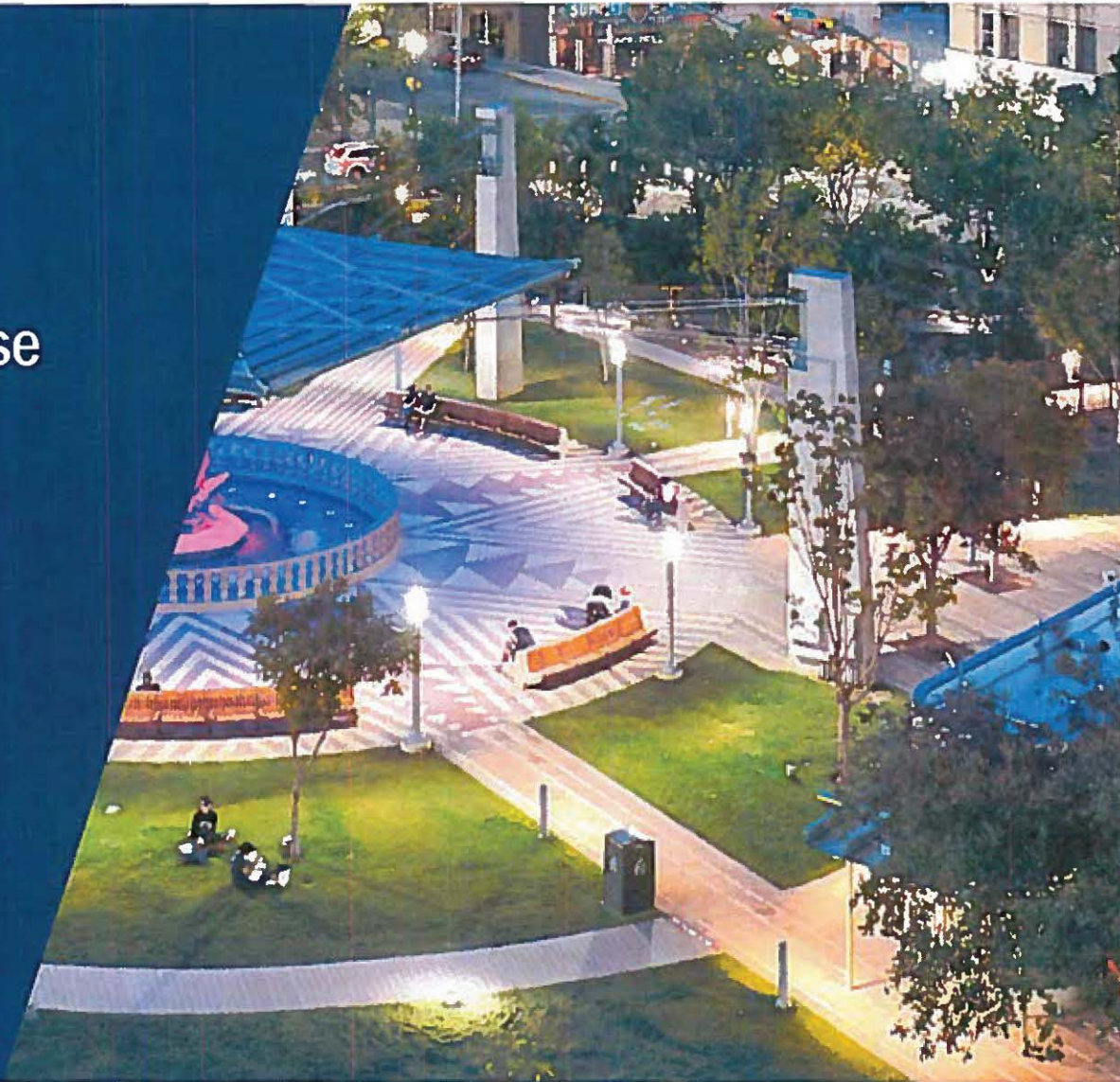
ITEM 8 & 10

# 1351 & 1355 Zaragoza Rd. Rezoning & Condition Release

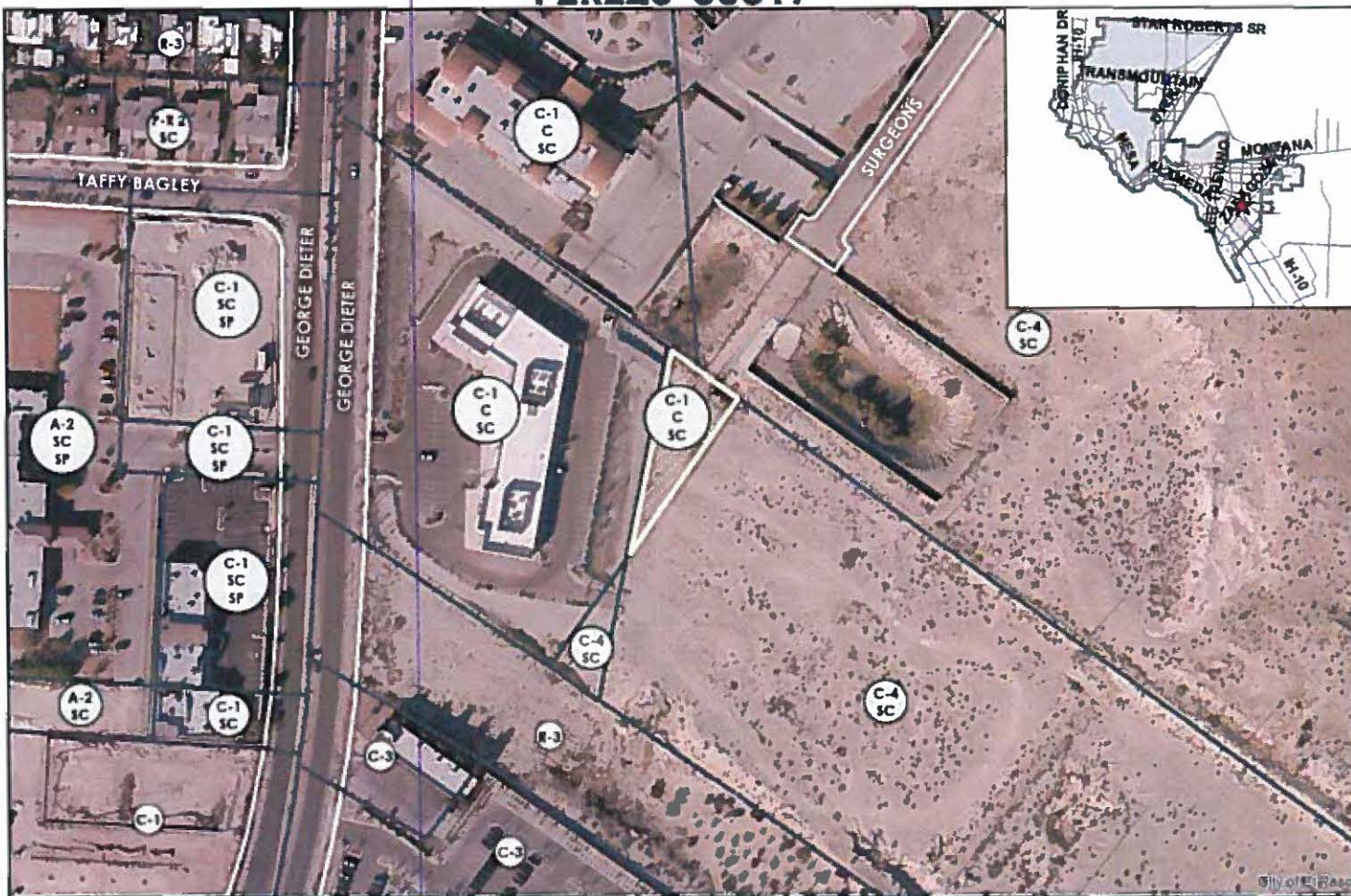
PZRZ20-00017 & PZCR20-00002

**Strategic Goal 3.**

Promote the Visual Image of  
El Paso



PZRZ20-00017



# Aerial Rezoning

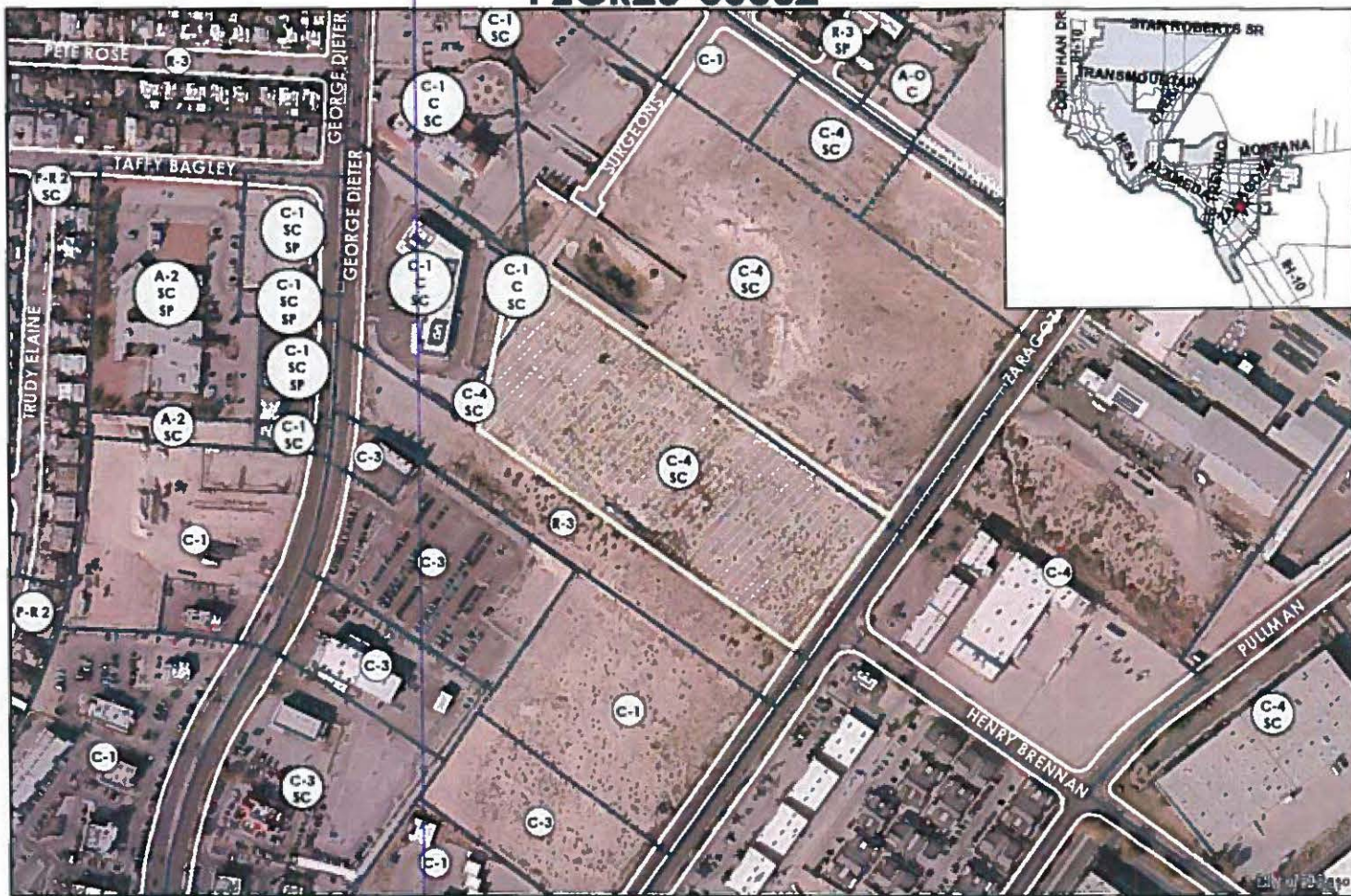
This map is displayed for illustrative purposes only. The features depicted here are approximate and more precise details may be required to show accurate contours. Edge errors of the map to scales greater than 1:50,000 can induce errors and may lead to misinterpretation for one of the scales. The Planning & Information Systems Department makes no claim to the accuracy or completeness.



Subject Property



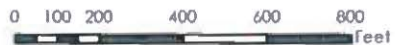
# PZCR20-00002



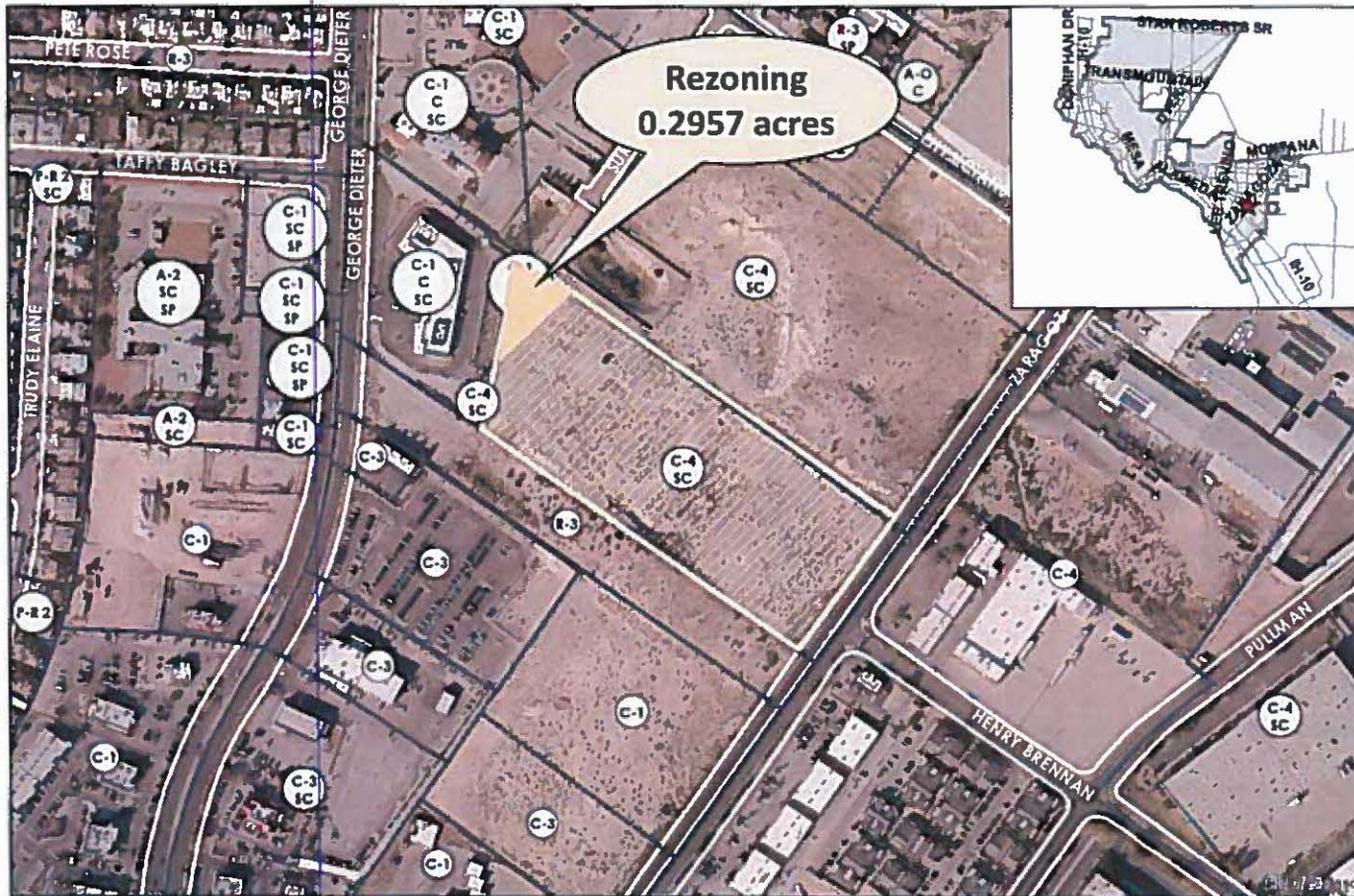
This map is designed for illustrative purposes only. The features are not to be used as a substitute for a professional survey. No warranty is made as to the accuracy of the information shown on this map. The Planning & Information Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



## Aerial Condition Release



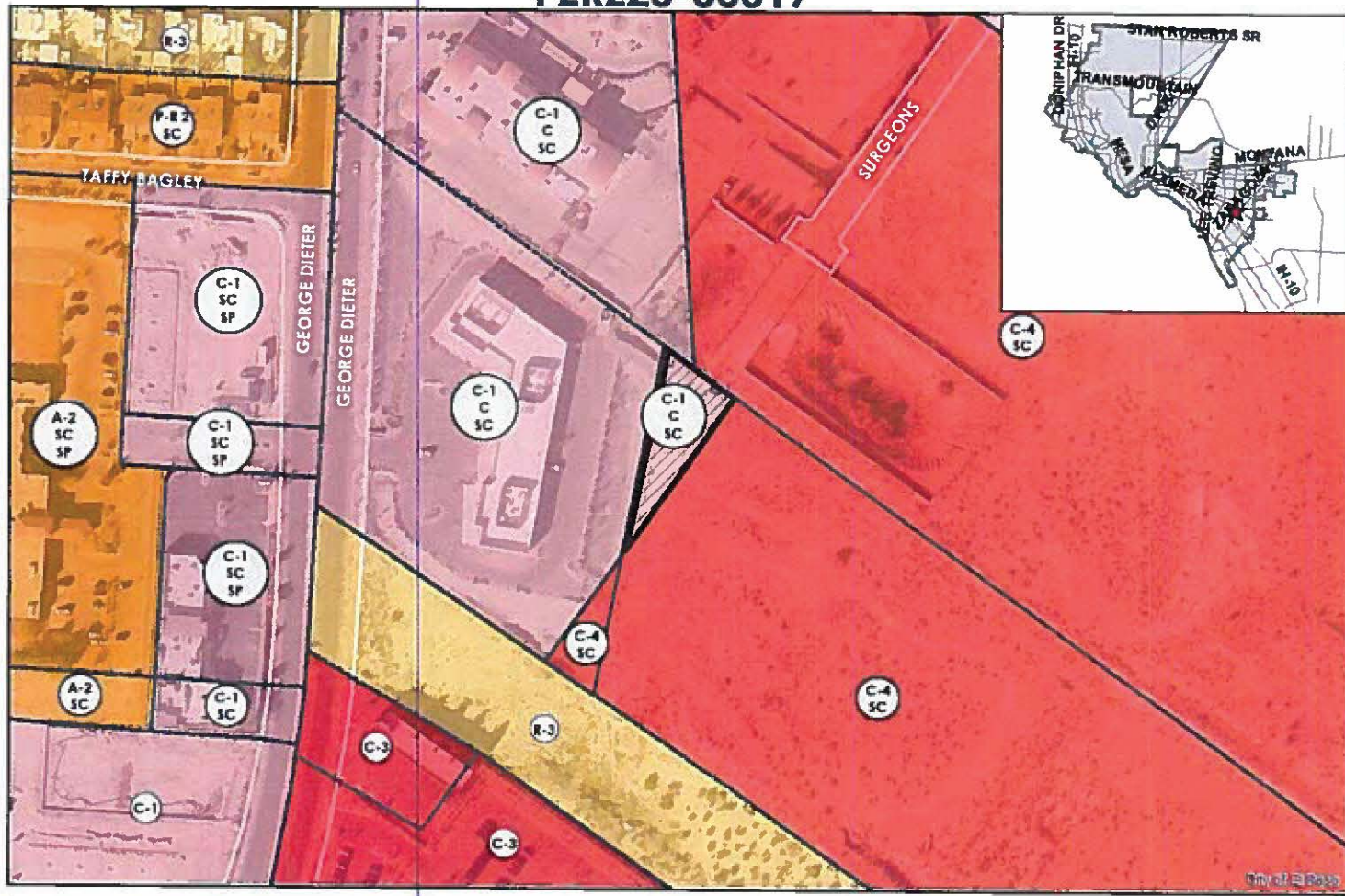
This map is designed for illustrative purposes only. The features depicted here are approximate and more specific studies may be required to determine exact details. Discrepancies of the map to scales greater than 1:50,000 are not shown and may vary by minor details of the data. The Planning & Information Department Planning Division may be contacted for availability or complete maps.



Subject Property



# PZRZ20-00017



## Existing Zoning

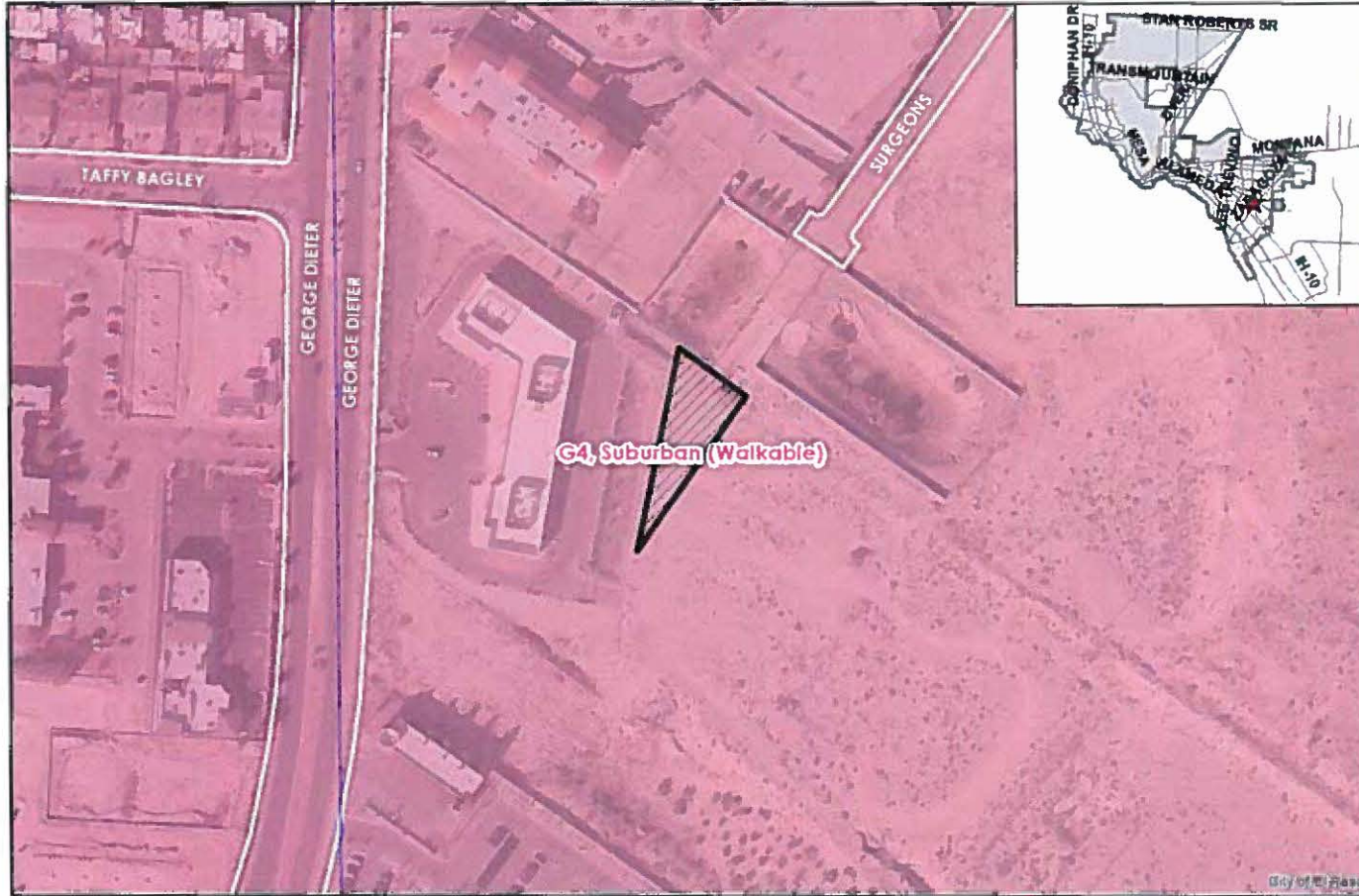
This map is designed for illustrative purposes only. The features depicted here are approximate and more specific details may be required to allow accurate assessment. Enlarge prints of the map to scales greater than 1:10,000 can reduce errors and may lead to misinterpretation of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property



PZRZ20-00017



This map is designed for Internet or portable use. The features displayed here are approximate and more detailed studies may be required to draw out more conclusions. Errors on this map to scales greater than 1:50,000 are not indicated and may need to be verified by use of the data. The Planning & Information Department Planning & Information Unit is not responsible for its accuracy or completeness.



 Subject Property

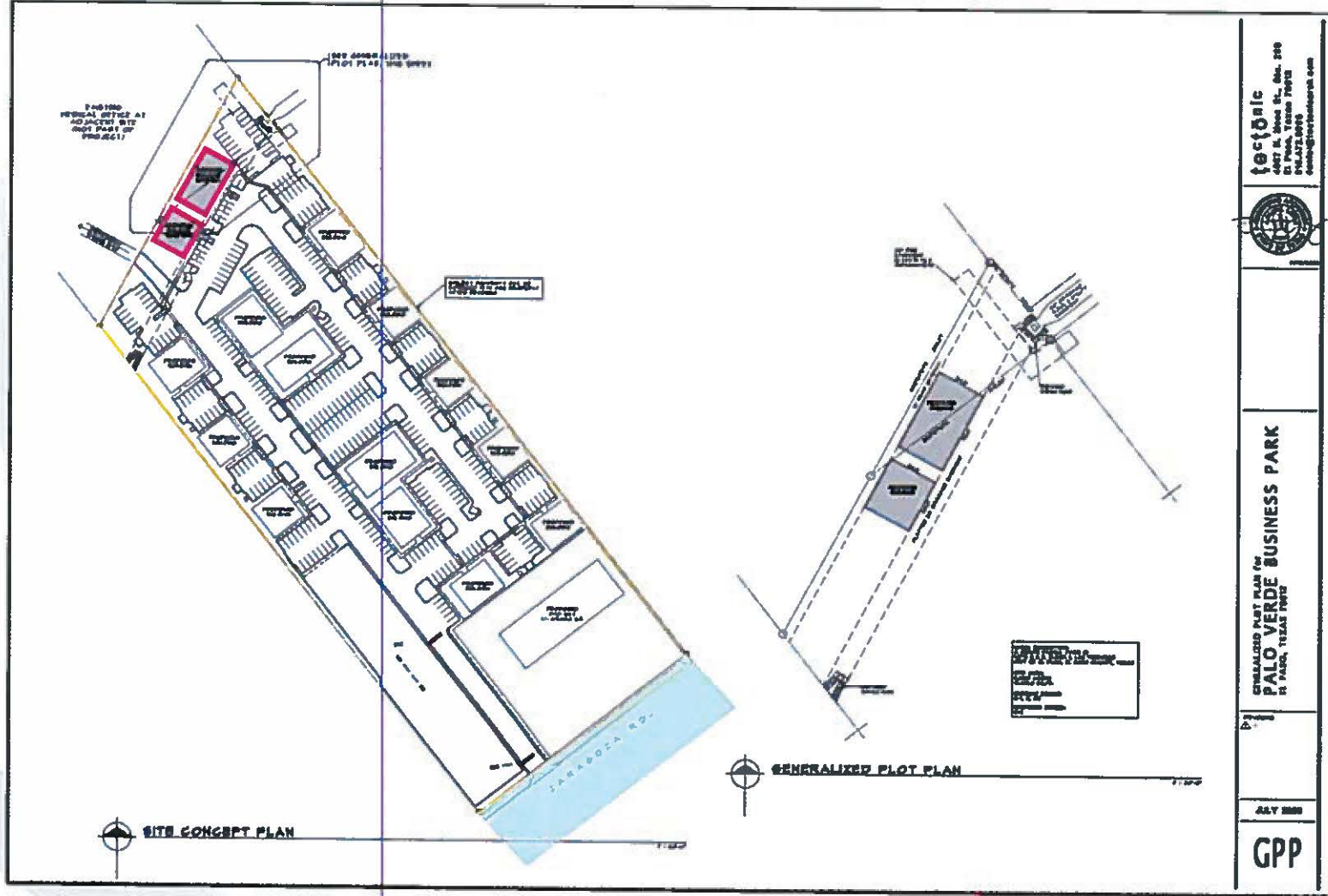


# Future Land Use





# Conceptual Site Plan



**testonic**  
1407 N. Stone St., Ste. 200  
Palo Verde, TX 78752  
937.437.0000  
www.testonic.com



**GENERALIZED PLOT PLAN FOR  
PALO VERDE BUSINESS PARK  
PALO VERDE, TEXAS 78752**

REV 0001  
**GPP**



## Condition Release

### Description of request:

- Current condition per Ordinance No. 7313, dated September 8, 1981
  - *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

The subject property is has been platted as part of Las Terrazas Subdivision which was filed and recorded as of January 13, 2013, this condition has been met and is no longer needed.

- Current condition per Ordinance No. 17870, dated September 18, 2012
  - *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The applicant is proposing to develop the subject property to be used for office, business which is a permitted use in both C-1 (Commercial) and C-4 (Commercial) districts. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition is no longer necessary to protect the health, safety, and welfare of its established neighborhood.



# Subject Property



# Surrounding Development



W



N



S



E



## Public Input

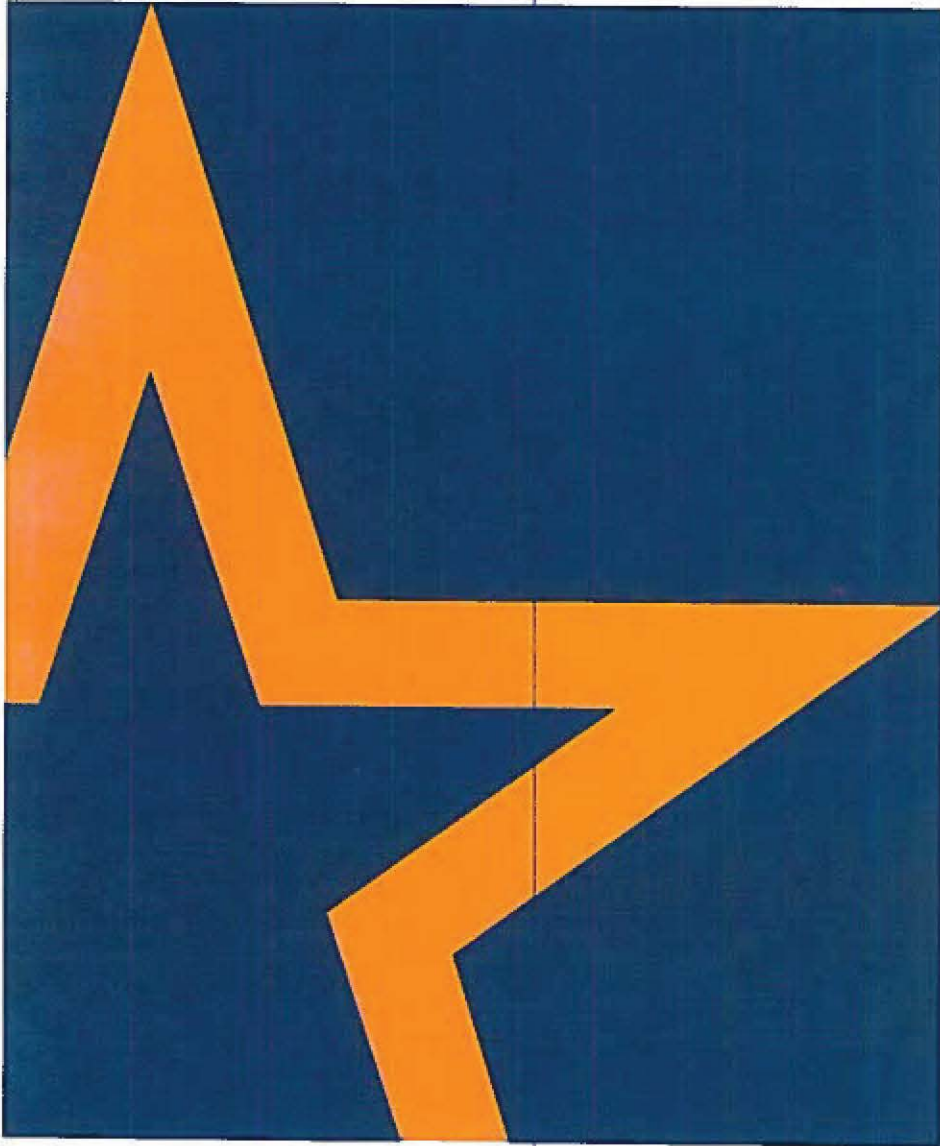
- Notices were mailed to property owners within 300 feet on November 5, 2020.
- The Planning Division has not received any communications in support nor opposition to the Rezoning & Condition Release request.





## Recommendation

- Staff recommends APPROVAL of the rezoning and condition release request.



## Mission

Deliver exceptional services to support a high quality of life and place for our community

## Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government

## Values

Integrity, Respect, Excellence, Accountability, People