

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

DEPARTMENT:

AGENDA DATE:

PUBLIC HEARING DATE:

CONTACT PERSON NAME:

PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

SUBJECT:

BACKGROUND / DISCUSSION:

COMMUNITY AND STAKEHOLDER OUTREACH:

PRIOR COUNCIL ACTION:

AMOUNT AND SOURCE OF FUNDING:

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

NAME	AMOUNT (\$)

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD: _____ *Philip Fiore*

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR ALL OF LOT 1, BLOCK 3, KEYSTONE BUSINESS PARK, REPLAT "A", AND ALL OF LOTS 2 AND 3, BLOCK 3, KEYSTONE BUSINESS PARK, 4500 DONIPHAN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, CLEVER PROPERTIES LLC, (the "Owner") has applied for approval of a detailed site development plan which requires City Plan Commission and City Council approval. The detailed site development plan is subject to the development standards in the **C-4/SC (COMMERCIAL/SPECIAL CONTRACT) District** regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as **Exhibit "A"** and is incorporated herein by reference for all purposes; and,

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code:

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

1. Pursuant to requirements, the City Council hereby approves the detailed site development plan submitted by the Applicant, to **permit office warehouse** as required under the **C-4/SC (Commercial/Special Contract) District** as per Section 20.04.150, on the following described property which is located in a **C-4/SC (Commercial/Special Contract) District**:

All of Lot 1, Block 3, Keystone Business Park, Replat "A", and all of Lots 2 and 3, Block 3, Keystone Business Park, 4500 Osborne Drive, City of El Paso, El Paso County, Texas.

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as **Exhibit "A"** and incorporated herein by reference.
3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-4/SC (COMMERCIAL/SPECIAL CONTRACT) District** regulations.
4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards

applicable in the **C-4/SC (COMMERCIAL/SPECIAL CONTRACT)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

APPROVED this _____ day of _____, 2025.

THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Russel T. Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

(Agreement on following page)

DEVELOPMENT AGREEMENT

By execution hereof, **CLEVER PROPERTIES LLC**, ("Owner"), identified in the Resolution to which this Development Agreement is attached, hereby covenant and agree, to develop the above-described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the **C-4/SC (COMMERCIAL/SPECIAL CONTRACT)** District located within the City of El Paso.

EXECUTED this 16 day of January, 2025

CLEVER PROPERTIES LLC

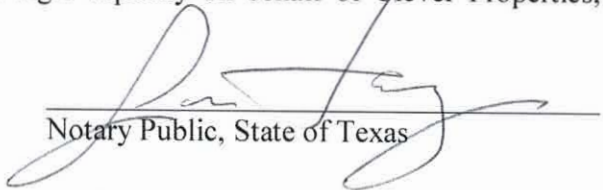
By: 

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)

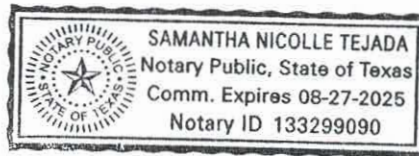
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 16th day of January, 2025, by Enrique Vazquez, in his legal capacity on behalf of Clever Properties, LLC.

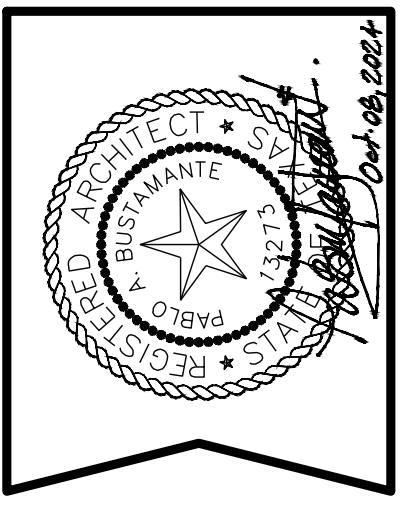

Notary Public, State of Texas

My Commission Expires:

08/27/2025



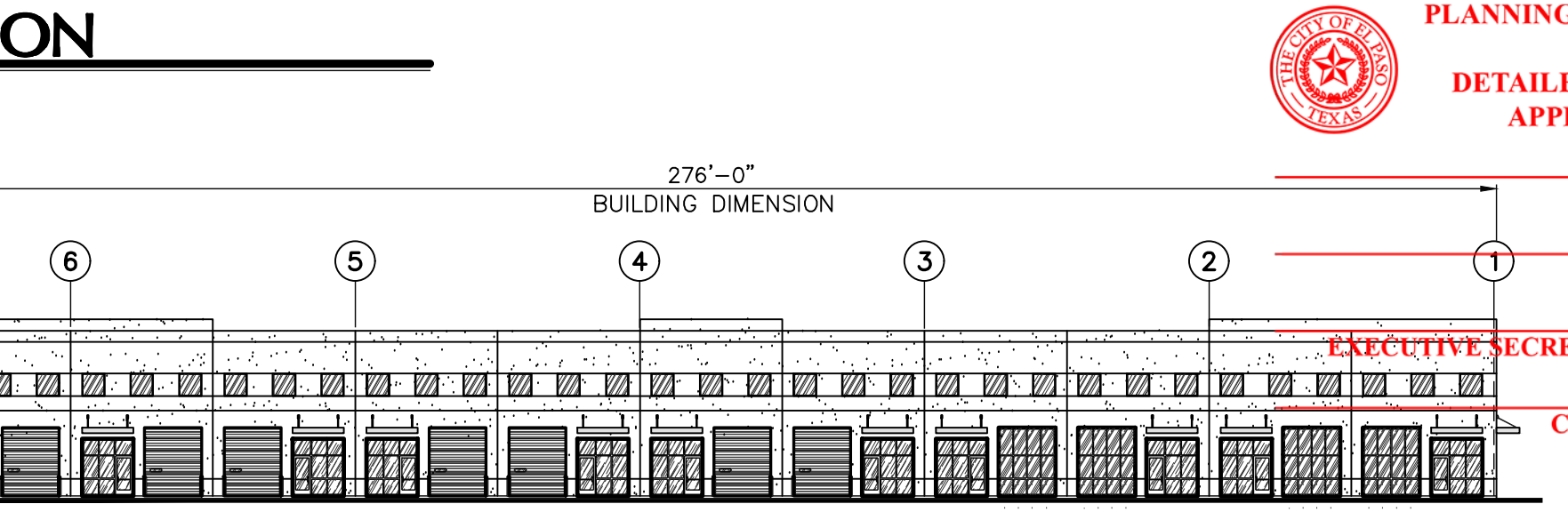
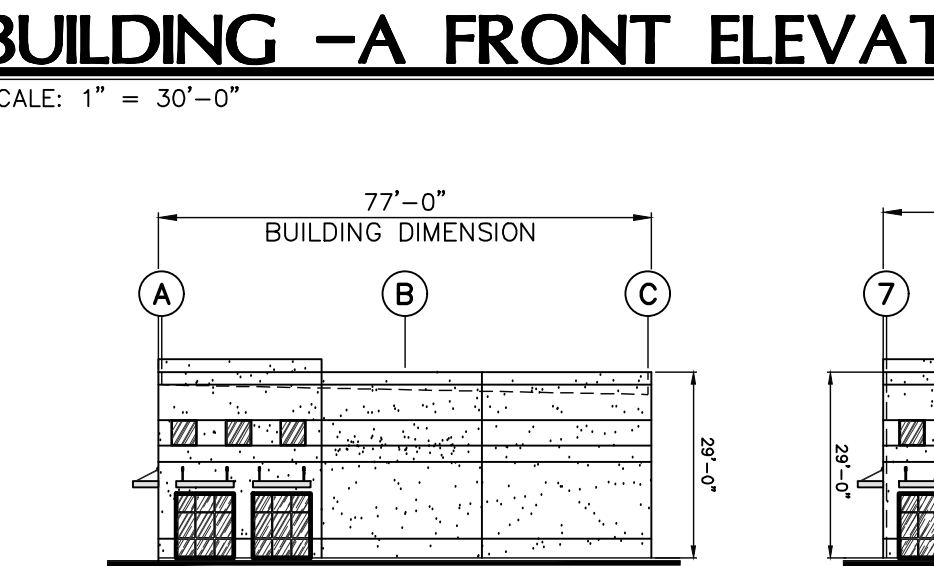
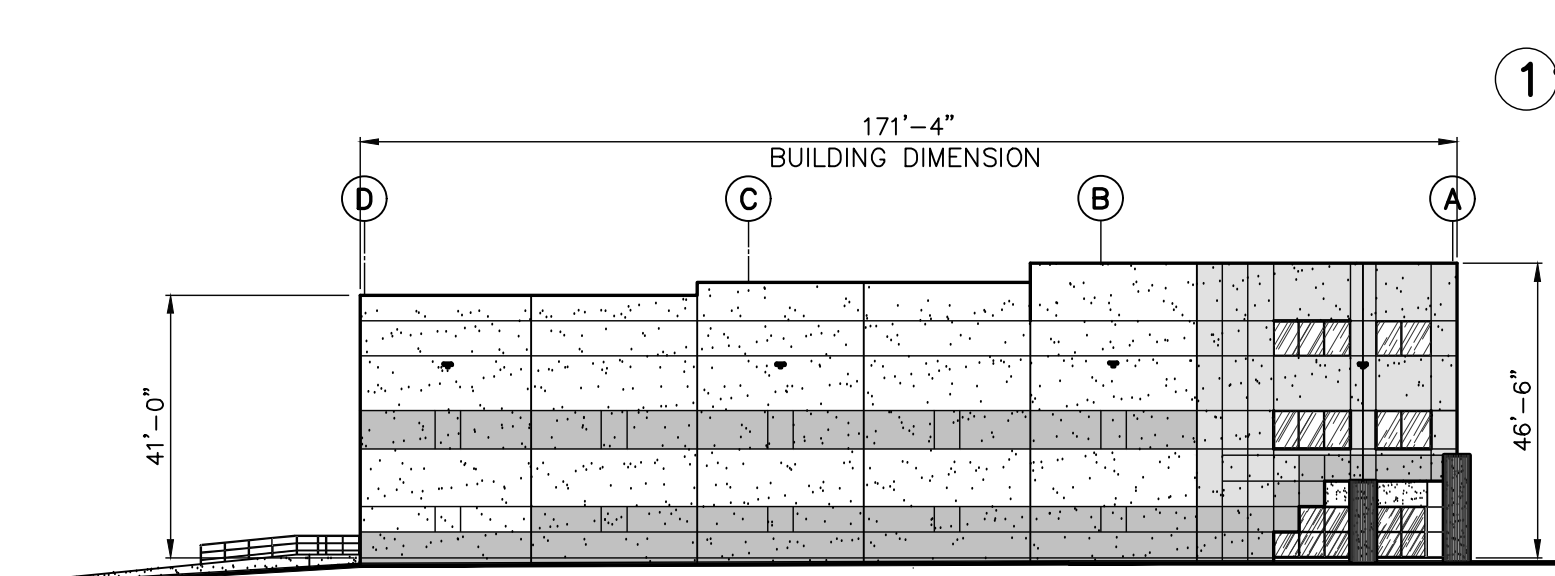
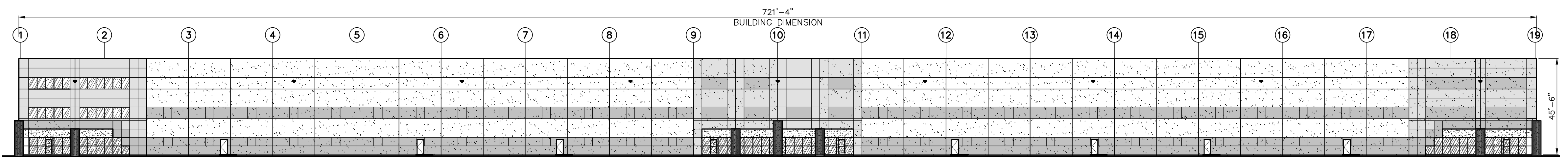
**EXHIBIT “A”
Detailed Site Plan**



A NEW OFFICE/WAREHOUSE BUILDING FOR
CLEVER PROPERTIES
 4500 DONIPHAN DRIVE
 EL PASO, TEXAS 79912

Industrial Architects
 Professional Limited Liability Corporation
 1845 Northwestern Dr., Suite A
 El Paso, Texas 79912 • (915) 877-2020
 PSRBB

COMMISSION No. 24-119
 DATE 09-06-2024
 REV. 10-08-2024
 SHEET: **A-1**
 1 OF 1



PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
 1/16/2025
 DATE: 10/08/2024
 APPLICANT: Kevin Smith
 EXECUTIVE SECRETARY, CITY PLAN COMMISSION
 CITY MANAGER

LINE TABLE

LINE	LENGTH	BEARING	RECORD
L1	26.65	S41°09'20"E	
L2	118.57	S33°57'44"E	119.73
L3	21.49	S00°50'12"W	19.01

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CH. BEARING	CHORD
C1	39.27	25.00	90°00'00"	N11°01'00"E	35.36

DRAINAGE CALCULATIONS

CITY OF EL PASO STANDARD DESIGN - RATIONAL FORMULA

DRAINAGE AREA	ACRES	COEF.	Tc (MIN)	Q (100 (IN/HR)) (CFS)	DISCHARGE POINT
1	7.002	0.95	15	4.61	35.7
2	1.767	0.95	10	5.19	9.8

PLANT LEGEND

TREES	NAME	MIN. SIZE	QTY
PROPOSED TREE		2" CAL. / 24" BOX	175

ST = STREET TREE
 BT = BUFFER TREE
 CT = CANOPY TREE
 PT = PROJECT TREE
 ZCT = CANOPY TREE REQUIRED BY ZONING CODE 20.14.050.E.1

LANDSCAPE ORDINANCE CALCULATIONS (COMBINED LOTS 1,2 AND 3)
 LOT AREA = 496,688 SF
 NEW BUILDING FOOTPRINT = 123,737 SF (BUILDING A) + 21,252 SF (BUILDING B) = 144,989 SF
 LANDSCAPE AREA REQUIRED = 55,943 SF (496,688 SF - 144,989 SF X .15 = 52,935 SF)
 LANDSCAPE AREA PROVIDED = 135,709 SF
 REQUIRED UNITS OF PLANT MATERIAL = 53 (52,935 SF OF REQUIRED LANDSCAPE AREA)

REQUIRED	PROVIDED	NOTES
STREET TREES	48	526 LINEAR FEET OF FRONTAGE ALONG OSBORNE DR. 526 FT / 30 = 18
BUFFER TREES	48	901 LINEAR FEET OF FRONTAGE ALONG DONIPHAN DR. 901 FT / 30 = 30
CANOPY / PARKING TREES REQUIRED BY 18.46.060.A.3.d	23	138 PARKING SPACES PROVIDED
PROJECT TREES	53	62 UNDER MAX. PARKING SPACES / 10 = 7 TREES 76 OVER MAX. PARKING SPACES / 5 = 16 TREES SEE "CT" TREES ON PLAN
TOTAL TREES	172	53 REQUIRED UNITS OF PLANT MATERIAL
PROJECT SHRUBS	2,385	53 UNITS OF PLANT MATERIAL (53 X 45 = 2,385)

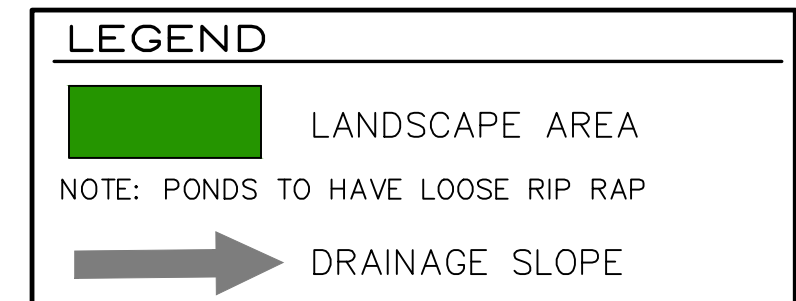
20.14.050.E.1 CANOPY/PARKING TREE REQUIREMENTS
 MAX. PARKING = 62
 PARKING PROVIDED = 138 (76 OVER MAX.)
 CANOPY/PARKING TREES REQUIRED = 76 / 5 = 16
 SEE "ZCT" TREES ON PLAN

STORMWATER DRAINAGE NOTE:
 STORMWATER DRAINAGE WILL BE DIRECTED TO UNDERGROUND DROP INLET ON THE SITE WHICH WILL BE DIRECTED TO DESIGNATED WETLAND AREA. BALANCE OF WATER IS SURFACE DRAINAGE DIRECTED TO WETLAND AREA. NO WATER WILL BE DIRECTED TO STREETS ON THIS PROJECT.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY - PANEL NUMBER 480214 0026 D, DATED JANUARY 3, 1997. THIS PROPERTY LIES IN FLOOD ZONE "X"

NOTE: NO BUILDING(S) OR STRUCTURE(S) SHALL BE CONSTRUCTED WITHIN THE SPECIAL BUILDING SETBACK LINE, EXCEPT THAT SURPLUS OF STREET PARKING ALLOWED.

NOTE: AT THE TIME OF DEVELOPMENT ALL CONSTRUCTION DOCUMENTS WILL BE REQUIRED TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE IBC, TAS AND LOCAL MUNICIPAL CODE



OPEN SPACE CALCULATION

GROSS LOT AREA =	496,688 S.F. ±
EXISTING BUILDING "A" FOOTPRINT =	123,737 S.F. ±
NEW BUILDING "B" FOOTPRINT =	21,252 S.F. ±
TOTAL BUILDING FOOTPRINT =	144,989 S.F. ±
NET LOT AREA =	351,699 S.F. ±
OPEN SPACE AREA = (LANDSCAPED AREA)	130,062 S.F. ±
PAVED AREA =	209,996 S.F. ±
OPEN SPACE PERCENTAGE =	36.98% ±

PROJECT CODE REQUIREMENTS (COMBINED LOTS 1,2 & 3)

EXISTING BUILDING "A" AREA	123,737 S.F.
NEW BUILDING "B" AREA	21,252 S.F.
TOTAL BUILDING AREA	144,989 S.F.
PROJECT LAND AREA	496,688 S.F. ±
ZONING C-4 SC REQUIRED	11.40 ACRES ±
PROVIDED	11.40 ACRES ±

SETBACKS FOR ZONING C-4
 FRONT YARD = 0 FT. 93'-0"
 REAR YARD = 10 FT. 194'-6"
 SIDE YARD = 10 FT. 60'-11"
 SIDE STREET = 10 FT. 181'-7"

PARKING REQUIREMENTS (PER EL PASO ZONING ORDINANCE)

TOTAL BUILDING "A" FOOTPRINT = 123,737 S.F. TOTAL

- 18,561 S.F. ESTIMATED OFFICE (15% OF TOTAL FOOTPRINT)
- 105,176 S.F. WAREHOUSE AREA

18,561 S.F. = 33 MIN. AND 47 MAX (MIN. = 1 PER 576 SF, MAX. = 1 PER 400 SF)

105,176 S.F. = 14 MIN. AND 15 MAX (MIN. = 1 PER 7200 SF, MAX. = 1 PER 7200 SF)

TOTAL BUILDING "B" FOOTPRINT = 21,252 S.F. TOTAL

- 3,188 S.F. ESTIMATED OFFICE (15% OF TOTAL FOOTPRINT)
- 18,064 S.F. WAREHOUSE AREA

3,188 S.F. = 6 MIN. AND 8 MAX (MIN. = 1 PER 576 SF, MAX. = 1 PER 400 SF)

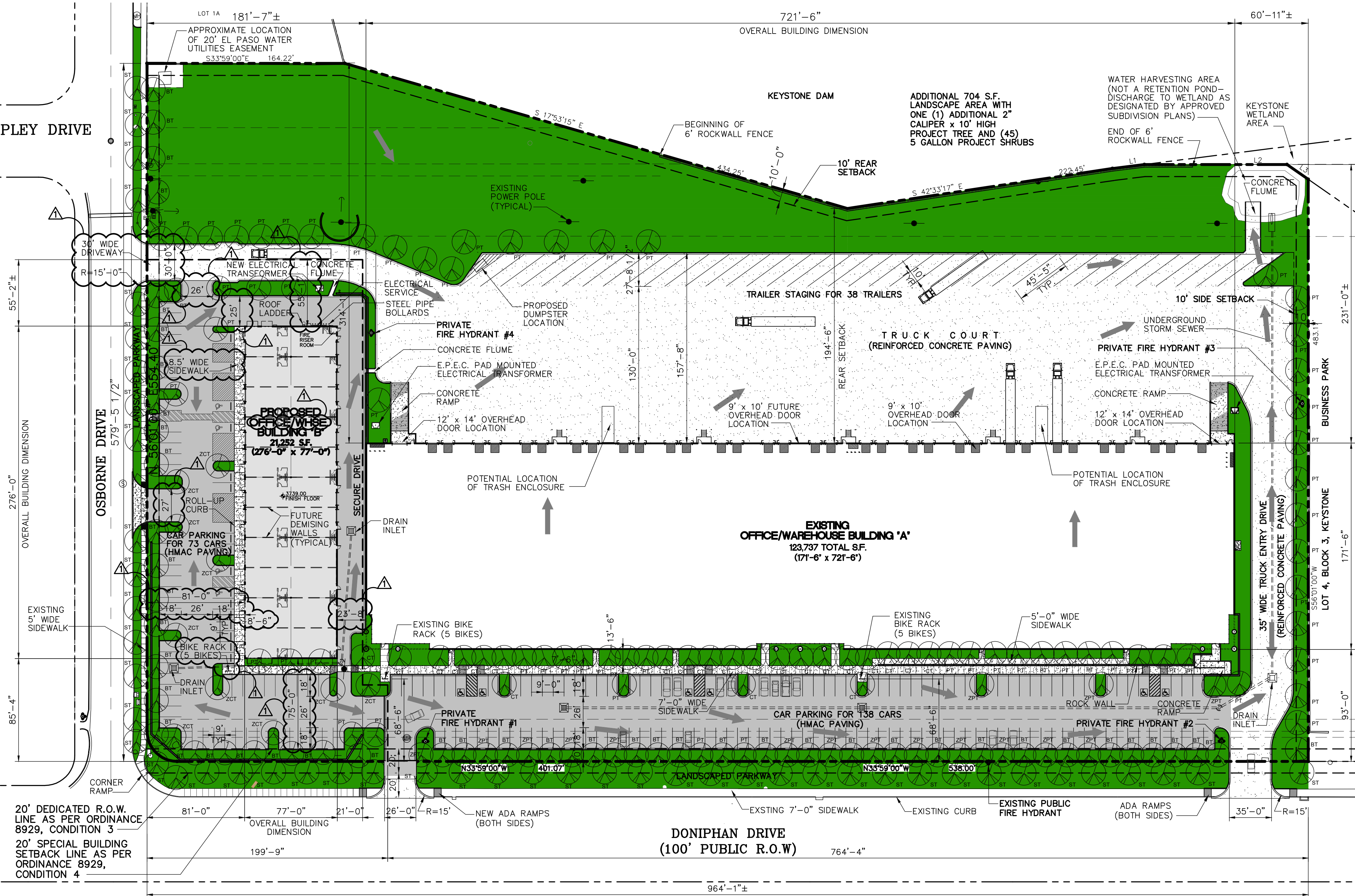
18,064 S.F. = 3 MIN. AND 4 MAX (MIN. = 1 PER 7200 SF, MAX. = 1 PER 5000 SF)

TOTAL PARKING SUMMARY:

TOTAL PARKING REQUIRED	MIN.	MAX.
BUILDING "A"	47	62
BUILDING "B"	9	12
TOTAL PARKING REQUIRED	56	74

EXISTING PARKING = 138 SPACES
 NEW PARKING = 73 SPACES
 TOTAL PARKING PROVIDED = 211 SPACES
 BIKE RACK REQUIRED = 11 SPACES MIN. (211 x 5%)
 (3) 5 SPACE BIKE RACKS PROVIDED

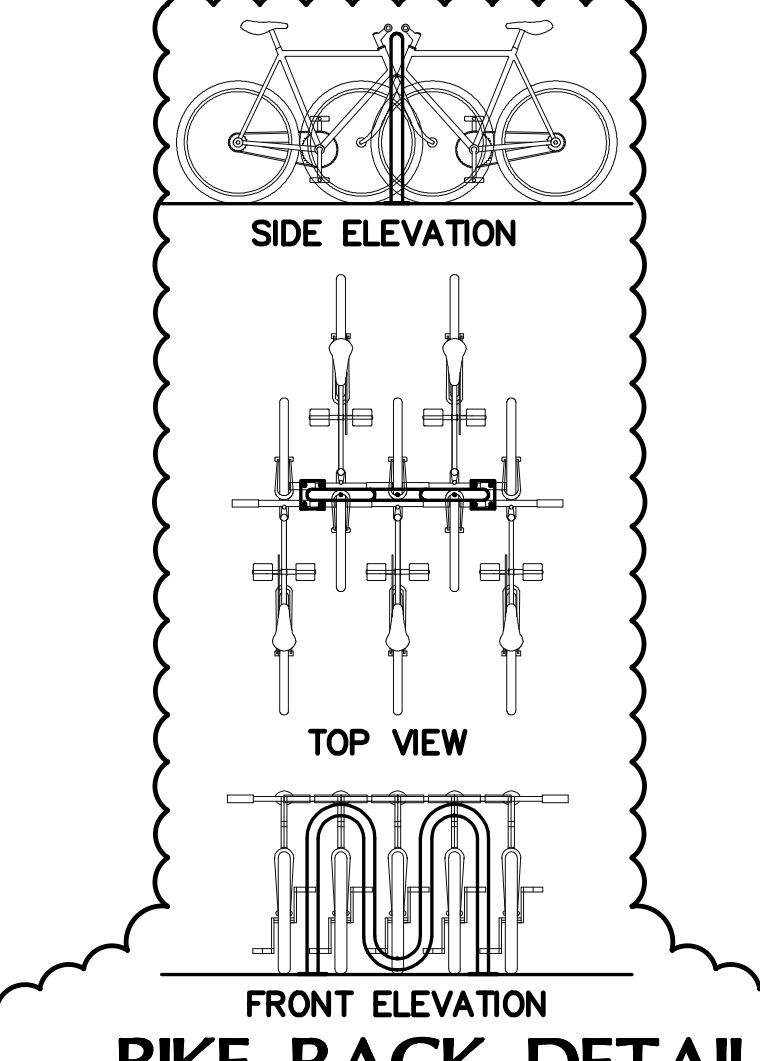
ACCESSIBLE PARKING SPACE REQUIREMENTS (PER TAS 208.2)
 101 = 150 PARKING SPACES = 7 ACCESSIBLE SPACES
 10 ACCESSIBLE SPACES PROVIDED



20' DEDICATED R.O.W. LINE AS PER ORDINANCE 8929, CONDITION 3
 20' SPECIAL BUILDING SETBACK LINE AS PER ORDINANCE 8929, CONDITION 4

LEGAL DESCRIPTION:
 LOT 1, BLOCK 3, KEYSTONE BUSINESS PARK, REPLAT "A" AND ALL OF LOTS 2 AND 3, BLOCK 3, KEYSTONE BUSINESS PARK, CITY OF EL PASO, EL PASO COUNTY, TEXAS. (±11.39 ACRES)
 PID No. K29099900300150
 PID No. K29099900300200
 PID No. K29099900300300

NEW LIGHT POLES
 NOTE: ALL NEW LIGHT POLES TO BE 30' HIGH



DETAILED SITE DEVELOPMENT PLAN
 SCALE: 1" = 30'-0"

This document, whether in hard copy or machine readable format, is copyrighted and an instrument of service is hereby given to the project for which it was prepared. This document is not intended or authorized for reuse by any party on extensions of such project or any other project. Any reuse, including copying and/or modifying the document, without written permission from PSRBB Industrial Architects, PLLC for the specific purpose intended is a violation of federal copyright law. Unauthorized use of this material may result in civil and/or criminal penalties.

ISSUED FOR DETAILED SITE PLAN APPROVAL

4500 Doniphan

City Plan Commission — October 24, 2024

SITE PLAN



CASE NUMBER:	PZDS24-00028
CASE MANAGER:	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER:	Clever Properties LLC
REPRESENTATIVE:	SiteWork Engineering, LLC
LOCATION:	4500 Doniphan Drive (District 1)
PROPERTY AREA:	11.39 acres
REQUEST:	Detailed Site Development Plan Approval per Ordinance No. 8929
RELATED APPLICATIONS:	None
PUBLIC INPUT:	None

SUMMARY OF REQUEST: The applicant is requesting approval of a Detailed Site Development Plan review as required per Ordinance No. 8929, dated February 17, 1987, requiring approval from both City Plan Commission and City Council prior to issuance of building permits. The applicant proposes to develop the subject property as office warehouses.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the use of office warehouse is consistent with adjacent commercial uses and meets the requirements of El Paso City Code Section 20.04.150 Detailed Site Development Plan. Furthermore, the development complies with the G7, Industrial and/or Railyards future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

PZDS24-00028



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. Discrepancies of the map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Engineering Department Planning Division makes no claim to its accuracy or completeness.



Figure A. Site Plan Superimposed on Aerial Imagery

DESCRIPTION OF REQUEST: The applicant is requesting City Plan Commission approval of a Detailed Site Development Plan as required per Ordinance No. 8929, dated February 17, 1987. The detailed site development plan shows a new 21,252 square-foot office warehouse building along with the existing 123,588 square-foot office warehouse building. The applicant is providing two hundred and eleven (211) parking spaces and is in compliance with Title 18.46 of the Landscaping Ordinance and with Section 20.14.050.E which requires at least one (1) additional parking lot tree for every five (5) parking spaces in excess of maximum parking. The bicycle parking requirement is six (6) bicycle spaces and the development is providing fifteen (15) bicycle spaces. Access to the subject property is proposed from Doniphan Drive and Osborne Drive.

PREVIOUS CASE HISTORY: On April 20, 2023, City Plan Commission recommended approval of the proposed detailed site development plan to allow for office warehouse for a portion of the development, building "A". On June 6, 2023, City Council approved of the detailed site development plan. At this time, the applicant is requesting approval of a detailed site development plan for the entire development property.

On February 17, 1987, the subject property was rezoned from R-4 (Residential) to C-4/sc (Commercial/special contract). At the time of rezoning, the following conditions were imposed via Ordinance No. 8929 (Attachment 3) and summarized as follows:

1. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with County Clerk.

Note: condition has been satisfied.

2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park subdivision.

Note: Condition is not applicable.

3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive.

Note: Condition has been fulfilled or is not applicable.

4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract.

No building(s) or structure(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.

Note: Condition is being satisfied by this request.

5. The property shall not be used for any type of residential purposes.

Note: Condition is being satisfied by this request.

6. There shall be no vehicular ingress and egress from this property to Hidden Way.

Note: Condition is not applicable.

7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87-acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties.

If the City fails to exercise its option within two (2) years, the property owner shall be released from this requirement of the contract.

Note: Condition has been met or is no longer applicable.

- 8. No billboards will be allowed on the property.

Note: Billboards are not proposed on the subject property.

- 9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved the City Plan Commission and City Council.

Note: Condition being satisfied by this request.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development is compatible with similarly-zoned, abutting commercial and industrial developments. The adjacent property to the north is zoned C-3/sc (Commercial/special contract) and includes retail, shooting range and general contractor uses, while the adjacent property to the south is zoned C-4/sc (Commercial/special contract), and contains an Automobiles (sales, storage, and rental) use and abuts the Keystone Heritage park. The adjacent property to the east is vacant and zoned R-4 (Residential) while the adjacent properties to the west are zoned R-2A (Residential) and contain single family dwelling uses. The nearest school is Zach White Elementary School (0.33 miles). Access to the subject property is proposed from Doniphan Drive.

COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:	
Criteria	Does the Request Comply?
<p>El Paso City Code Section 20.04.140 – When Required. Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.</p>	<p>Yes. Per Ordinance No. 8929, dated February 17, 1987, the property owner must obtain detailed site development plan approval by the City Plan Commission and City Council prior to an issuance of any building permits for the subject property.</p>
<p>Compatibility with Zoning Regulations: The zoning district permits the proposed use, and all applicable regulations are met</p> <p>C-4 (Commercial) District: The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.</p>	<p>Yes. The proposed use of office warehouse is permitted in the C-4 (Commercial) zone district. The proposed Detailed Site Development Plan is in keeping with the applicable regulations and spirit of the C-4 (Commercial) zone district.</p>
THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	

COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	There are no Historic Districts or Special designations on the subject property.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the special permit.	There are no anticipated adverse impacts from the approval of the Detailed Site Development Plan request.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve greenfield or environmentally sensitive land or arroyo disturbance.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the proposed development is from Doniphan Drive, which is designated as a freeway per the City of El Paso’s Major Thoroughfare Plan (MTP). The roadway is appropriate to serve the proposed development. The nearest bus stop is located 1.2 miles from the subject property at the intersection of Doniphan Drive and McClintock Drive. Sidewalks are present along Doniphan Drive and Osborne Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: There are no adverse comments from reviewing departments.

PUBLIC COMMENT: Notices are not required per El Paso City Code Section 20.04.150.

OTHER CONSIDERATIONS: N/A

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 (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

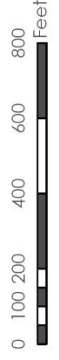
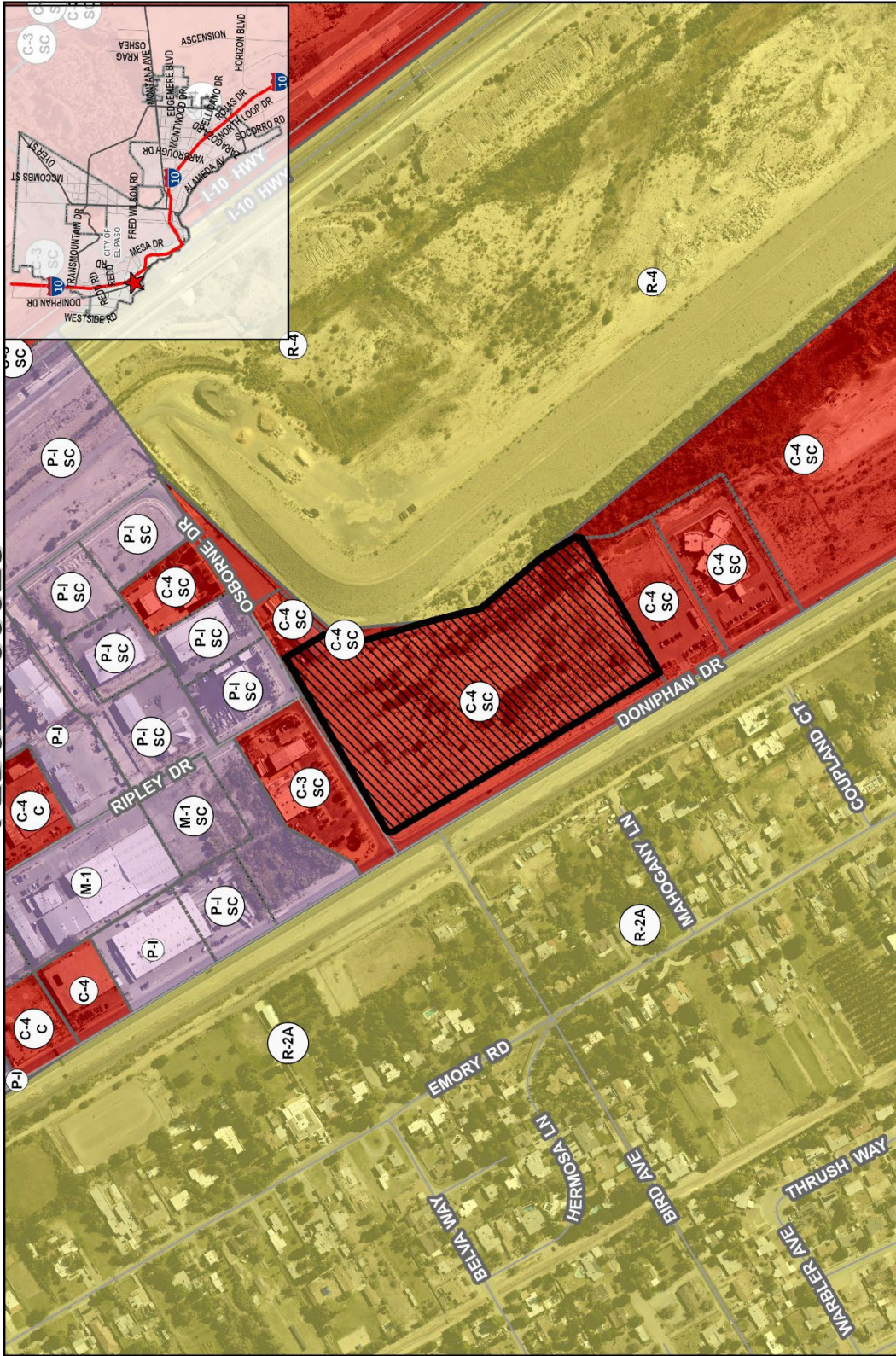
1. **Approve/Recommend Approval** of the Detailed Site Development Plan, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Approve/Recommend Approval of the Detailed Site Development Plan 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. **Deny/Recommend Denial** of the Detailed Site Development Plan, 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. Zoning Map
2. Detailed Site Development Plan
3. Elevation
4. Ordinance No. 8929
5. Department Comments

ATTACHMENT 1

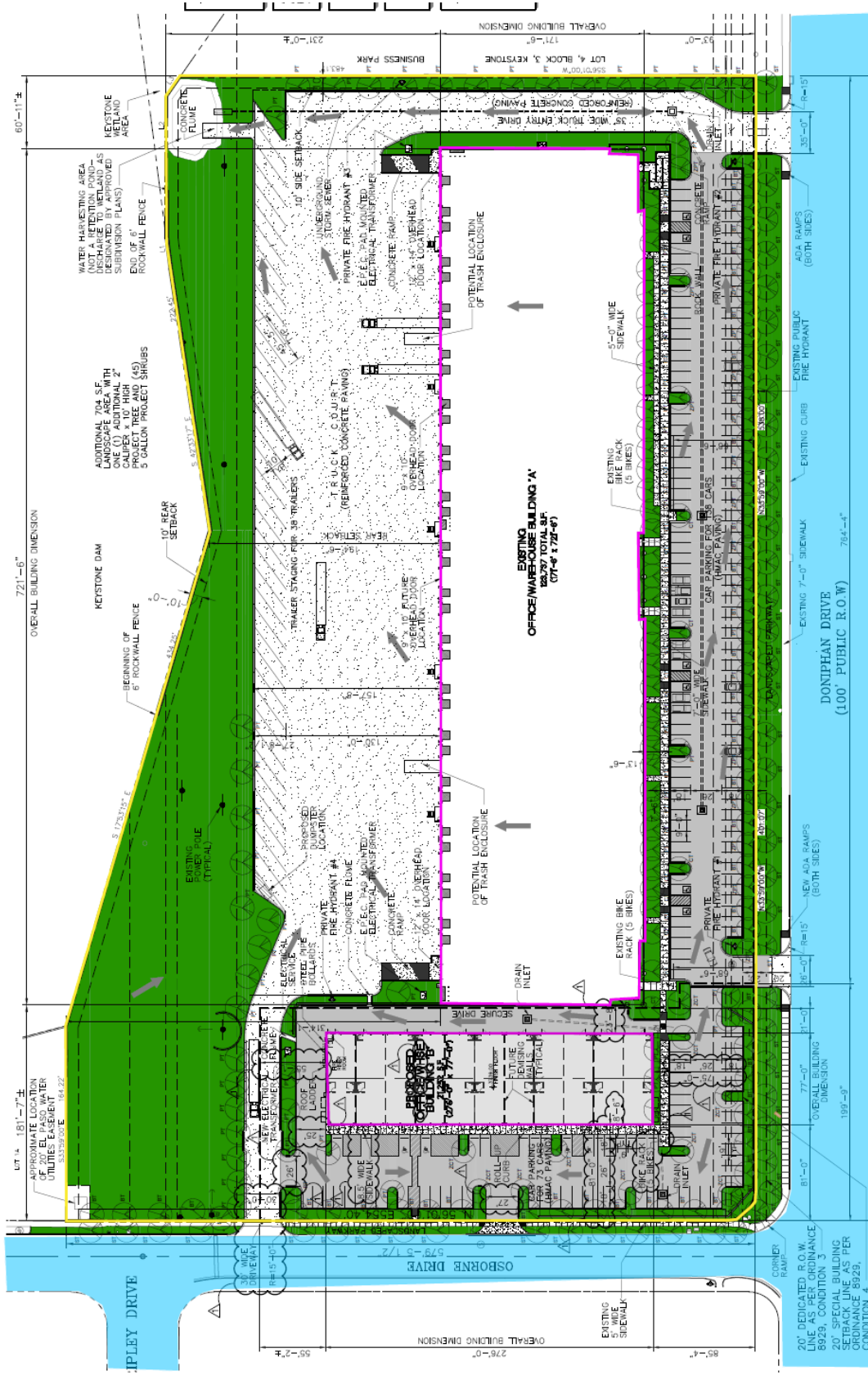
PZDS24-00028



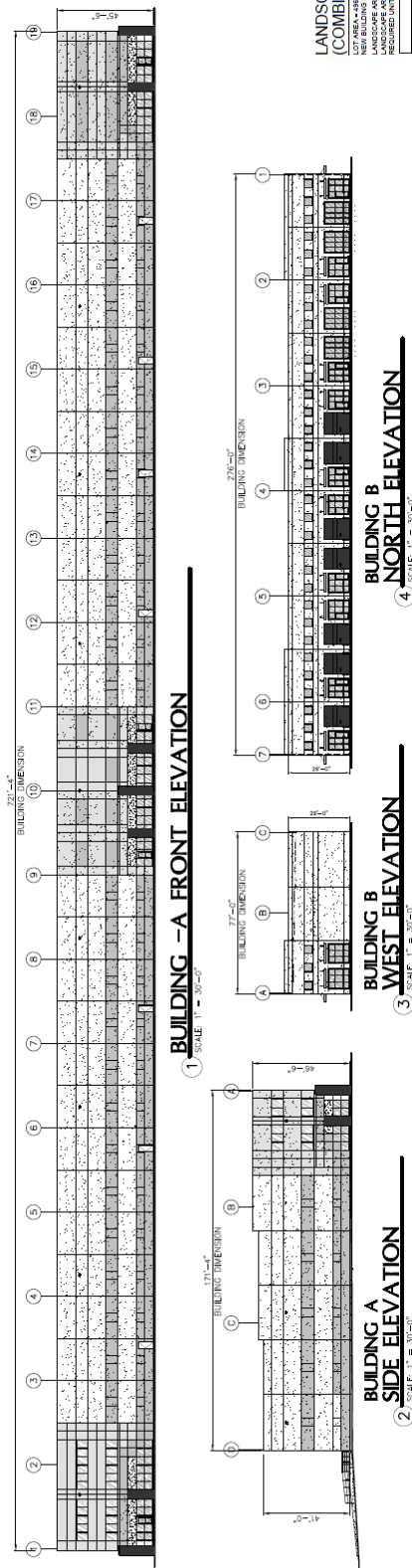
Subject Property

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. Enhancements of this map are required to be used for any other purpose. The Planning & Research Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

008929

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF A.F. MILLER
SURVEY NO. 210 AND 213; C.A. ENGELSFREUND
SURVEY NO. 112; B.B.B. & C. RAILROAD
SURVEY NO. 154; G.L. WILSON SURVEY NO. 91
AND S.A. MAVERICK SURVEY NO. 174
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE

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

That the zoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 17th day of February, 1987.

Jonathan W. Rye
Mayor

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Ricardo Santa
Assistant City Attorney

that the zoning map has been revised to
the amendment of ordinance # 8929
Royally Date 4-10-87

APPROVED AS TO CONTENT:

Roy Wilford
Planning Department

4-10-87
4-10-87
4-11-87 Bldg. Inspection
4-15-87 CONTROL
Royally

ZNG5:86-5228

008929
Contract (2-17-87)

86-5228
RECEIVED
FEB 24 1987
PLANNING DEPARTMENT

Portion A.F. MILLER SURVEY NOS. 210 & 213
And
Portion C.A. ENGELSFREUND SURVEY NO. 112
And
Portion B.B.B. & C. RAILROAD SURVEY NO. 154
And
Portion G.L. WILSON SURVEY NO. 91
And
Portion S.A. MAVERICK SURVEY NO. 174

El Paso, Texas

February 6, 1987

PARCEL NO. 7

Beginning at a point on the south boundary line of the C.A. Engelsfreund Survey No. 112; point being the southeast corner of the J.F. Driscoll Survey No. 372, City of El Paso, El Paso County, Texas:

Thence North along the east boundary of said J.F. Driscoll Survey No. 372 a distance of 428.78 feet:

Thence North 88°-23'-28" East a distance of 161.12 feet:

Thence North 01°-00'-10" West a distance of 185.51 feet to a point on the southwesterly right-of-way line of U.S. Interstate Highway No. 10:

Thence South 40°-06'-02" East along said southwesterly right-of-way line a distance of 340.17 feet to a point on the westerly right-of-way line of an El Paso Natural Gas Company right-of-way:

Thence South 47°-56'-58" West a distance of 78.56 feet to the northwest corner of said El Paso Natural Gas Company right-of-way:

Thence South 40°-06'-02" East along the northwesterly right-of-way line of said El Paso Natural Gas Company right-of-way a distance of 400.00 feet:

Thence South along the westerly right-of-way line of said El Paso Natural Gas Company right-of-way line a distance of 117.10 feet:

Thence South 64°-19'-00" West a distance of 987.40 feet:

Thence North 42°-08'-15" West a distance of 270.00 feet:

Thence South 56°-01'-00" West a distance of 571.17 feet:

1

EXHIBIT "A"

86-5228

Thence South $33^{\circ}-59'-00''$ East a distance of 178.36 feet:

Thence South $64^{\circ}-19'-00''$ West a distance of 472.69 feet to a point on the easterly right-of-way line of Doniphan Drive:

Thence North $33^{\circ}-59'-00''$ West along said easterly right-of-way line a distance of 4456.35 feet to its intersection with the southerly right-of-way line of Osborne Drive:

Thence North $56^{\circ}-01'-00''$ East along said southerly right-of-way line a distance of 863.21 feet:

Thence continuing along said southerly right-of-way line North $49^{\circ}-53'-58''$ East a distance of 625.67 feet:

Thence South $42^{\circ}-21'-41''$ West a distance of 124.77 feet:

Thence South $41^{\circ}-15'-15''$ West a distance of 790.80 feet:

Thence South $17^{\circ}-53'-15''$ East a distance of 434.25 feet:

Thence South $42^{\circ}-33'-17''$ East a distance of 222.45 feet:

Thence South $41^{\circ}-09'-20''$ East a distance of 1364.70 feet:

Thence South $44^{\circ}-50'-18''$ East a distance of 851.76 feet:

Thence South $56^{\circ}-01'-00''$ West a distance of 209.03 feet:

Thence South $03^{\circ}-43'-42''$ East a distance of 260.77 feet:

Thence South $33^{\circ}-59'-00''$ East a distance of 304.62 feet:

Thence North $45^{\circ}-36'-00''$ East a distance of 431.28 feet:

Thence North $44^{\circ}-24'-00''$ West a distance of 371.29 feet to the P.C. of a curve to the left:

Thence southeasterly along said curve to the left an arc distance of 1025.04 feet to a point on the west boundary line of J.F. Driscoll Survey No. 372; curve having a radius of 988.03 feet, a central angle of $59^{\circ}-26'-32''$ and a long chord bearing of South $72^{\circ}-31'-00''$ East a distance of 979.69 feet:

Thence South along said west boundary line a distance of 311.60 feet to the southwest corner of said J.F. Driscoll Survey No. 372:

Thence East along the south boundary line of said J.F. Driscoll Survey No. 372 a distance of 417.50 feet to the point of beginning.

Described parcel lies within said A.F. Miller Survey Nos. 210 & 213, C.A. Engelsfreund Survey No. 112, B.B.B. & C. Railroad Survey No. 154, G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174 and contains 3912830.26 square feet equal to 89.826 acres.



RESOLUTION

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

That the Mayor be authorized to sign a contract between the CITY OF EL PASO and TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008929, more particularly described as a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174.

ADOPTED this 17th day of February, 1987.

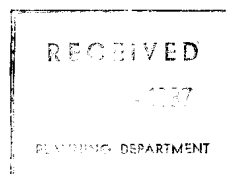
Jonathan W. Rogers
Mayor

ATTEST
Carole Hunter
City Clerk

APPROVED AS TO FORM:

Ricardo Asato
Assistant City Attorney

ZNG5:86-5228



THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

SPECIAL WARRANTY
DEED

KNOW ALL MEN BY THESE PRESENTS:

That TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, as property owner, of the County of El Paso, State of Texas, hereinafter referred to as Grantor, whether one or more, for and in consideration of the rezoning of a portion of C.A. Engelsfreund Survey No. 112, B.B.B. & C. Railroad Survey No. 154, G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is hereby acknowledged, have granted, sold and conveyed and by these presents do grant and convey unto the City of El Paso, the following parcel of land situated in the County of El Paso, State of Texas, as more particularly described below:

Legal description of a parcel of land being a portion of B.B.B. & C. Railroad Company Survey No. 154, C.A. Engelsfreund Survey No. 112, G.A. Wilson Survey No. 91 and the S.A. Maverick Survey No. 174, being more particularly described as follows:

Commencing at a monument Station 60+84.30 being the intersection of the monument line of Doniphan Drive with the centerline of the right-of-way of Bird Road, thence North 33°59'00" West, along the monument line of Doniphan Drive, a distance of one hundred seventy-four and twenty-five hundredths (174.25) feet to a monument on Osborne Drive, thence North 56°01'00" East, along the monument line of Osborne Drive, a distance of fifty and zero hundredths (50.00) feet, thence South 33°59'00" East, a distance of thirty and zero hundredths (30.00) feet, to the southerly right-of-way line of Osborne Drive, same being the TRUE POINT OF BEGINNING.

Thence, North 56°01'00" East, along the southerly right-of-way line of Osborne Drive, a distance of twenty and zero hundredths (20.00) feet;

Thence, South 33°59'00" East, a distance of four thousand four hundred fifty-nine and twenty-seven hundredths (4459.27) feet;

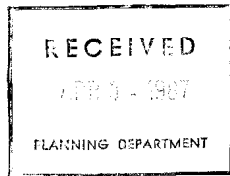
Thence South 64°19'00" West, a distance of twenty and twenty-one hundredths (20.21) feet, to the easterly right-of-way line of Doniphan Drive;

Thence North 33°59'00" West, along the easterly right-of-way line of Doniphan Drive, a distance of four thousand four hundred fifty-six and thirty-five hundredths (4456.35) feet to the point of beginning;

Said parcel of land contains 89,156.17 square feet or 2.047 acres more or less.

TO HAVE AND TO HOLD the above-described premises, together with

Ord. # 8929
Contract



all and singular the rights and appurtenances thereto in anywise belonging, unto the said City of El Paso and its assigns, forever; and the Grantors do hereby bind themselves, their heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular and said premises unto the said City of El Paso and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under us but not otherwise.

WITNESS the following signatures this 31st day of March, 1987.

PROPERTY OWNER:
TEXAS COMMERCE BANK - EL PASO,
NA, INDEPENDENT EXECUTOR AND
TRUSTEE UNDER THE WILL OF
MARY WHITE BOYKIN, DECEASED

By William C. Geyer
Title Sen Vice Pres

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 31 day of March, 1987, by WILLIAM C. GEYER as representative on behalf of TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED.

Joseph N. Sayklay
Notary Public, State of Texas

My Commission Expires:
JOSEPH N. SAYKLAY, Notary Public
For the State of Texas
My Commission Expires 6-1-88

ZNG5:86-5228

39459

11/21
Pattcy

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 17th day of February, 1987, by and between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund, Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with the County Clerk.
2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park Subdivision.
3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive.
4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract.
No building(s) or structures(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.
5. The property shall not be used for any type of residential purposes.
6. There shall be no vehicular ingress and egress from this property to Hidden Way.
7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87 acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties.

If the City fails to exercise its option within two (2) years,

(2-1-87)

AUG 6 1987
87-52-28
PLANNING DEPARTMENT

1750 6579


the property owner shall be released from this requirement of the contract.

- 8. No billboards will be allowed on the property.
- 9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.

This agreement 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.

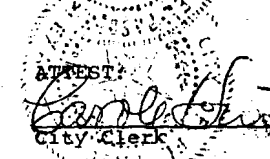
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its direction without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

ATTEST:

 Secretary

FIRST PARTY:
TEXAS COMMERCE BANK - EL PASO

By William C. Legu
Title Secretary

ATTEST:

 City Clerk

SECOND PARTY:
CITY OF EL PASO

By [Signature]
Mayor

APPROVED AS TO CONTENT:

[Signature]
Planning Department

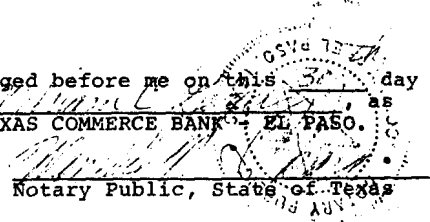
APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 31 day of March, 1987, by William C. Legu, as Secretary, for TEXAS COMMERCE BANK - EL PASO.

My Commission Expires:
Michelle M. Ford, Notary Public
El Paso, Texas
1/14/89


 Notary Public, State of Texas

1789 0580

ATTACHMENT 5

Planning and Inspections Department - Planning Division

Recommend approval.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval.

No objections to the proposed detailed site. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code

Planning and Inspections Department – Land Development

Recommend approval.

Comply with TCEQ requirements regarding water harvesting area to the keystone wetland area.

Note: Comment will be addressed at permitting stage.

Fire Department

No adverse comments

Police Department

No comments provided.

Environmental Services

No comments provided.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has the following comments:

- No objections to application
- No TIA is required

Sun Metro

Recommend Approval

Comment:

-Be advised Sun Metro services the area (RTE 12) Doniphan Circulator both INBOUND and OUTBOUND on Doniphan Dr., with the closest bus stops located on the corner of Doniphan Dr./Osborne Dr. Any lane and sidewalk closures along Doniphan Dr. in vicinity of Osborne will affect Sun Metro operations.

-If construction requires a Traffic Control Permit, please provide a copy in order prevent any disruption of Sun Metro Transit services and operations.

All TCPs can be sent to this email.

El Paso Water

EPWater does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along the 25-foot PSB easement located east of and parallel to Doniphan Drive. This main is available for service.

There is an existing 8-inch diameter water main that extends along the Osborne Dr. located approximately 20-feet south of the north right-of-way line. This main is available for service.

There is an existing 54-inch diameter water main that extends along the Osborne Dr. located approximately 33-feet north of the property. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure from fire hydrant #10035 fronting 4400 Doniphan Drive and 1,208-feet south of Osborne Drive, has yielded a static pressure of 77 psi, a residual pressure of 66 psi, and a discharge of 1,462 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer along the above mentioned 25-foot PSB easement. This main is available for service.

There is an existing 15-inch diameter sanitary sewer that extends along Osborne Dr. approximately 20-feet north of the property. This main is available for service.

General:

All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWater-PSB Easement Policy. 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. 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 easements 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 sign or structure.

During the site improvement work, the Owner/Developer shall safeguard the existing water/sanitary sewer mains and appurtenant structures located within the subdivision. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the costs of setting appurtenant structures to final grade.

EPWater requires a new service application to provide additional 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.

Stormwater:

1. Doniphan Dr., a state road is not designed to handle any outside runoff. Need to show how the developer will handle the storm sewer.
2. Any proposed ponding area/s shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.

Note: Comments will be addressed at the permitting stage.

Texas Department of Transportation

No comments provided.

El Paso 9-1-1 District

The 911 District has no comments/concerns regarding this zoning.

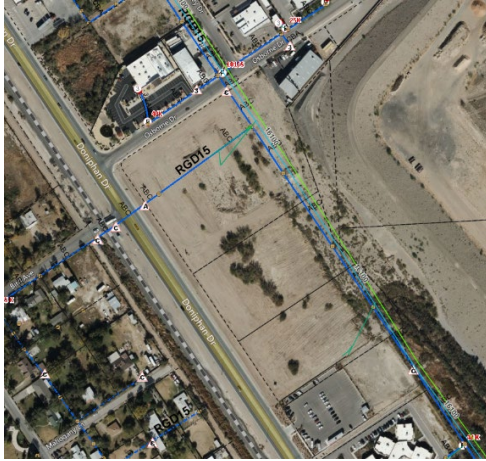
El Paso County Water Improvement District #1

No comments provided.

El Paso Electric Company

Please review our ROW Guidelines, the landscaping area will need to be reviewed and approved by our transmission department. Any changes in grade or improvements will need to be provided, prior to approval.

Additionally, we have a distribution line along proposed building “B”. For a line relocation, the owner can contact our engineering department at (915) 351-4224.



Note: Comments to be addressed prior to the building permit stage.

Texas Gas Service

No adverse comments.