

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

**AGENDA DATE:** June 6, 2023  
**PUBLIC HEARING DATE:** June 6, 2023

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Nina Rodriguez, (915) 212-1561

**DISTRICT(S) AFFECTED:** District 1

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

**SUBGOAL:** 3.2 Set one standard for infrastructure across the city

**SUBJECT:**

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 Osborne Drive, 4440 Doniphan Drive, and 4420 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.

The proposed detailed site plan 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: 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive  
Applicant: Enrique Vasquez, PZDS22-00037

**BACKGROUND / DISCUSSION:**

The applicant is requesting approval of a Detailed Site Development Plan to allow an office warehouse. Approval by City Council is required due to an existing condition placed on the property. City Plan Commission recommended 7-0 to approve the proposed Detailed Site Development Plan on April 20, 2023. As of May 30, 2023, the Planning Division has not received any communication in support or opposition to the Detailed Site Development Plan request. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  YES  NO

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

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:**

*Philip Etiwe*

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## 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 OSBORNE DRIVE, 4440 DONIPHAN DRIVE, AND 4420 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 "B"** 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 an office warehouse** as required under the **C-4/sc (Commercial/special contract) District** as per Section **20.04.150**, on the following described property, and as more particularly described by metes and bounds on the attached **Exhibit "A"**, incorporated by reference, 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, 4440 Doniphan Drive, and 4420 Doniphan 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 "B"** 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 \_\_\_\_\_, 2023.

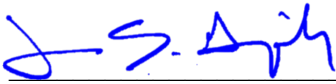
**THE CITY OF EL PASO**

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

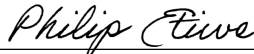
**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Juan S. Gonzalez  
Senior Assistant City Attorney

**APPROVED AS TO CONTENT:**

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

(Agreement on following page)

**DEVELOPMENT AGREEMENT**

By execution hereof, CLEVER PROPERITES 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 May, 2023.

CLEVER PROPERTIES LLC

By: [Signature]

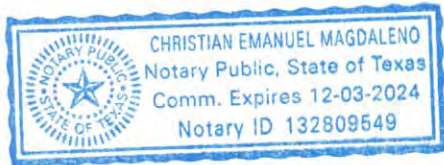
**ACKNOWLEDGMENT**

THE STATE OF TEXAS )  
  )  
COUNTY OF EL PASO )

This instrument is acknowledged before me on this 16<sup>th</sup> day of May, 2023, by Enrique Vazquez, in his legal capacity on behalf of Clever Properties LLC

[Signature]  
Notary Public, State of Texas

My Commission Expires:  
12-03-2024



**EXHIBIT "A"**  
**Metes and Bounds**

**PROPERTY DESCRIPTION**

**4440 DONIPHAN**

Description of a parcel of land being all of 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, plat of said Keystone Business Park recorded in book 76, pages 83, 83A and 83B, and plat of said Keystone Business Park Replat "A" recorded in Clerk's File #20090009708, Plat Records, El Paso County, Texas, and also being those same parcels recorded in Clerks File# 20210122001, El Paso County Clerks Records, and described as follows;

Beginning at a 1/2" rebar found at the common westerly corner of Lots 3 and 4, of said Block 3, said rebar located on the easterly ROW line of Doniphan Drive (100' ROW), said rebar also lying North 33°59'00" West 478.66' (477.33' record) from a rebar found at the common corner of Lots 5 and 6, of said Block 3 (bearing basis), and being the "Point of Beginning";

Thence, with said easterly ROW line of Doniphan Drive, North 33°59'00" West a distance of 939.07' (938.20' record) to a 1/2" rebar found at a point of curvature to the right;

Thence, with said curve to the right a distance of 39.27', having an interior angle of 90°00'00", a radius of 25.00', and a chord bearing of North 11°01'00" East for a distance of 35.36', to an "X" found chiseled on concrete at the termination of said curve and lying on the southerly ROW line of Osborne Drive (60' wide);

Thence, with said southerly ROW line of Osborne Drive, North 56°01'00" East a distance of 554.40' to a nail found at the northeasterly corner of said Lot 1, Block 3, Keystone Business Park, Replat "A" and also being the northeasterly corner of this parcel;

Thence, with the easterly lot line of said Lot 1, South 33°59'00" East a distance of 164.22' to a rebar with cap found at an angle point;

Thence, continuing with said easterly lot line of said Lot 1, South 17°53'15" East passing a wood hub found at the southeasterly corner of said Lot 1 at a distance of 272.53' and continuing with the easterly lot line of said Lot 2 an additional 161.72' for a total distance of 434.25' to a 5/8" rebar found at an angle point;

Thence, continuing with said easterly lot line of said Lot 2, South 42°33'17" East passing a 5/8" rebar found at the common westerly corner of said Lots 2 and 3 at a distance of 117.88', and continuing with the easterly lot line of said Lot 3 an additional 104.57' to an angle point of said easterly lot line of Lot 3, from which a rebar with cap stamped "2998" found lies 0.9' easterly and a 5/8" rebar found lies 0.9' northwesterly;

Thence, continuing with said easterly lot line of Lot 3, South 41°09'20" East a distance of 26.65' to an angle point, from which a rebar with cap stamped "2998" found lies 0.9' easterly;

Thence, continuing with said easterly lot line of said Lot 3, South 33°57'44" East a distance of 118.57' (119.73' record) to a 5/8" rebar with cap stamped "5372" set at an angle point;

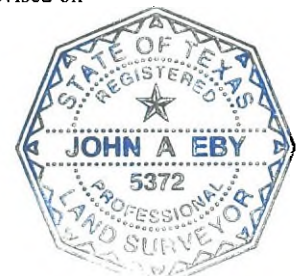
Thence, continuing with said easterly lot line of said Lot 3, South 00°50'12" West a distance of 21.49' (19.01' record) to a 5/8" rebar with cap stamped "5372" set at the common easterly corner of said Lots 3 and 4;

Thence, with the common lot line of said Lots 3 and 4, South 56°01'00" West a distance of 483.17' (484.63' record) to the "Point Of Beginning" and containing 496,688 sq. ft. or 11.4024 acres.

This Survey is based on a field survey performed under my supervision and dated 09/08/2022 and revised on 10/03/2022.

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

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









# 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 Doniphan Drive

## SITE PLAN



City Plan Commission — April 20, 2023 **REVISED**

**CASE NUMBER:** PZDS22-00037  
**CASE MANAGER:** Nina Rodriguez, (915) 212-1561, [RodriguezNA@elpasotexas.gov](mailto:RodriguezNA@elpasotexas.gov)  
**PROPERTY OWNER:** Clever Properties LLC  
**REPRESENTATIVE:** Steve Howerton  
**LOCATION:** 4500 Osborne Drive, 4440 Doniphan Drive, and 4420 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 warehouse.

**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.

### PZDS22-00037



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



0 75 150 300 450 600 Feet



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 123,588 square-foot office warehouse building over two (2) vacant parcels located at 4500 Osborne Drive, 4440 Doniphan Drive, and 4240 Doniphan Drive. The required minimum parking for the new development is forty-eight (48) spaces and the required maximum parking is sixty-two (62) spaces. The applicant is providing one hundred and thirty-eight (138) parking spaces. The detailed site plan demonstrates 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 for the new development is six (6) bicycle spaces and the development is providing ten (10) bicycle spaces. The development is in compliance with Title 18.46 of the Landscaping Ordinance. Access to the subject property is proposed from Doniphan Drive.

**PREVIOUS CASE HISTORY:** 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 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.

<b>COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<b>El Paso City Code Section 20.04.140 – When Required.</b> 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.	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.

<b>COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:</b>	
<p><b>Compatibility with Zoning Regulations:</b> The zoning district permits the proposed use, and all applicable regulations are met</p> <p><b>C-4 (Commercial) District:</b> 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>
<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>There are no Historic Districts or Special designations on the subject property.</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the special permit.</p>	<p>There are no anticipated adverse impacts from the approval of the Detailed Site Development Plan request.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>None. The subject property does not involve greenfield or environmentally sensitive land or arroyo disturbance.</p>

**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:**

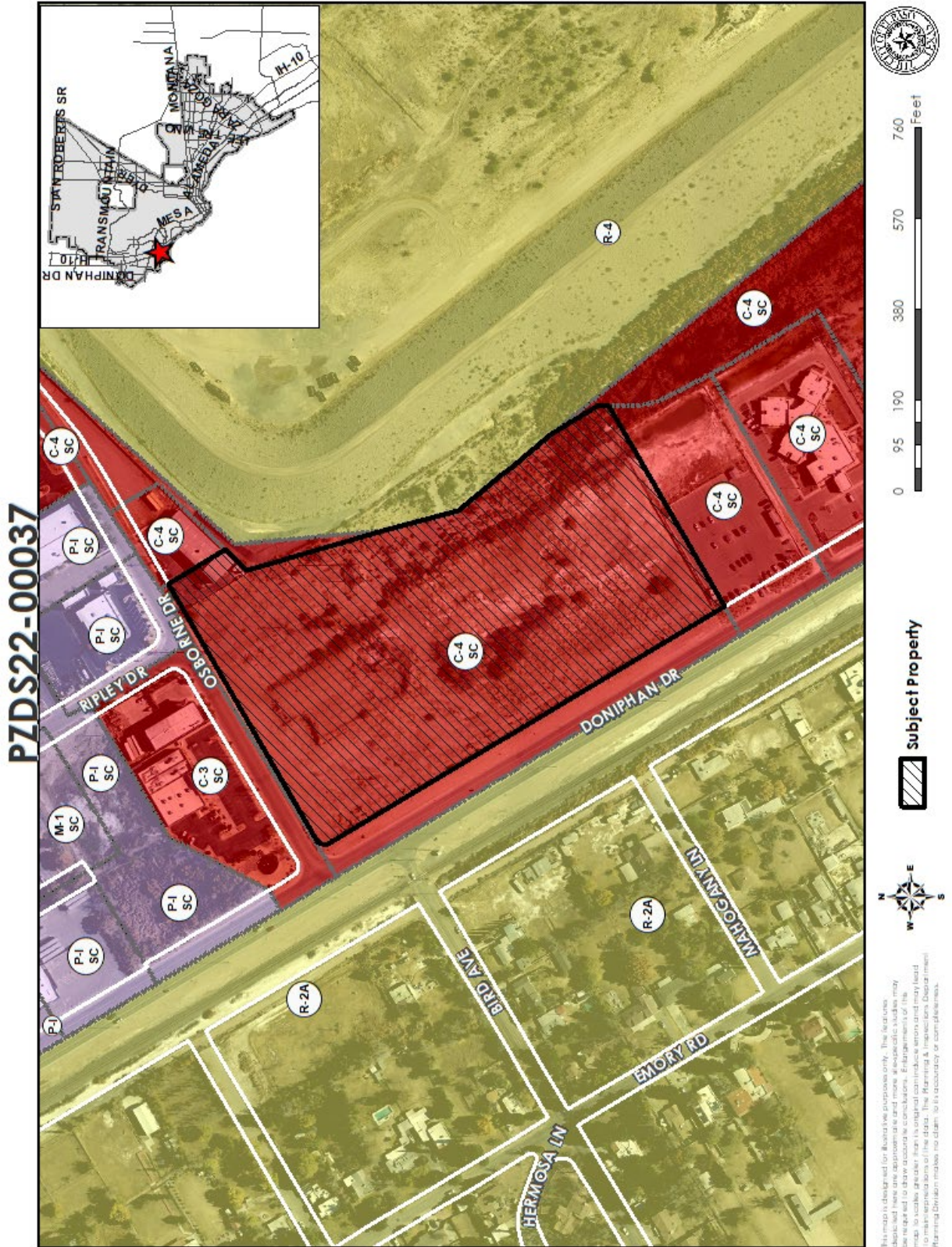
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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 Plan
3. Ordinance No. 8929
4. Department Comments

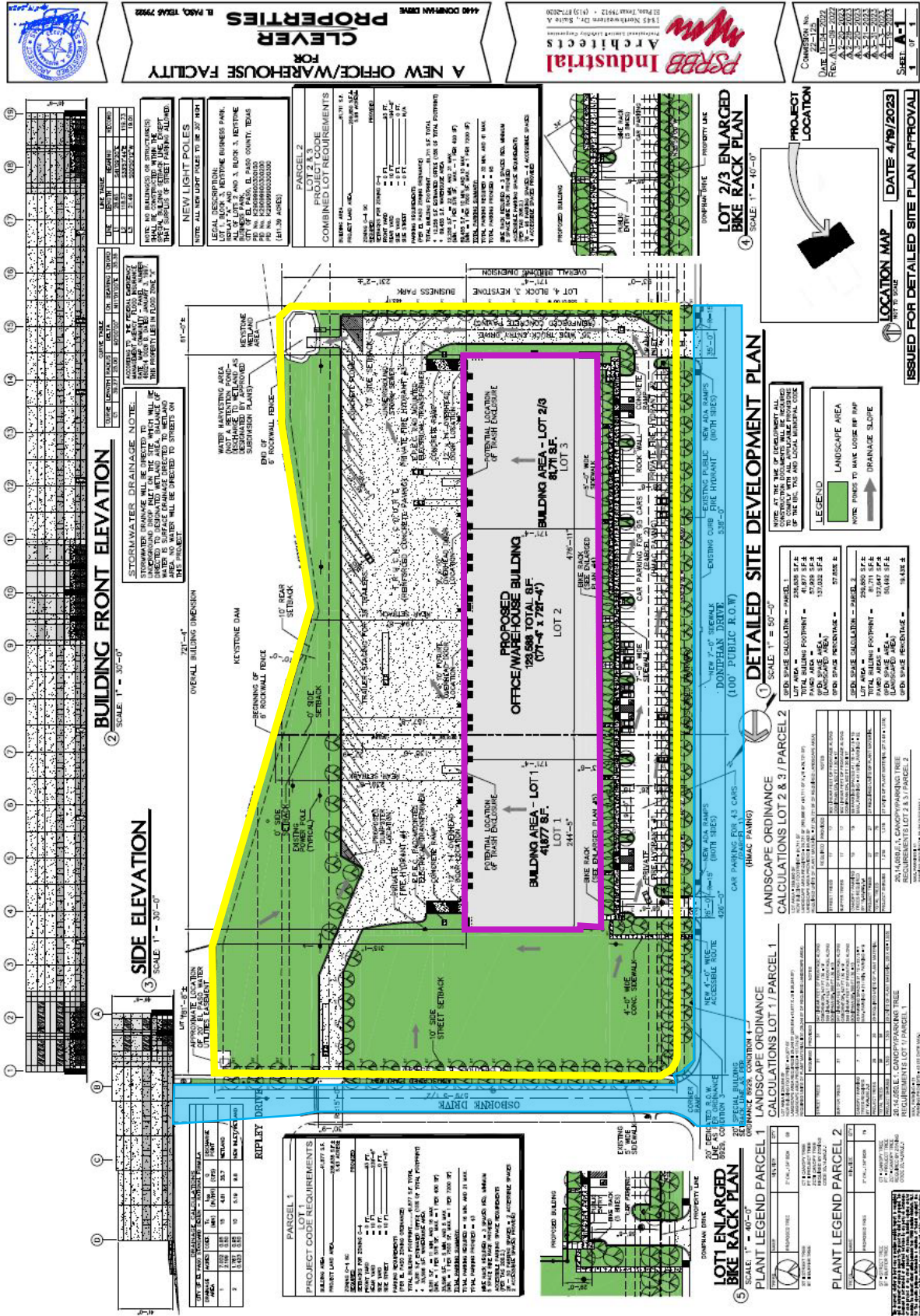
# ATTACHMENT 1



This map is designed for illustrative purposes only. The services depicted here are approximate and more detailed studies may be required to draw accurate conclusions. Employees of this map do not warrant that the original contributors have used the most up-to-date information. The Planning & Inspections Department reserves the right to modify or update this map at any time.



# ATTACHMENT 2



**A NEW OFFICE/WAREHOUSE FACILITY**  
FOR  
**CLEVER**  
PROPERTIES  
4440 CORNHAM DRIVE  
IRVING, TEXAS 75038

**PRBB Industrial Architects**  
1843 NORTHWESTERN BY SUITE A  
DALLAS, TEXAS 75208  
(214) 737-2200

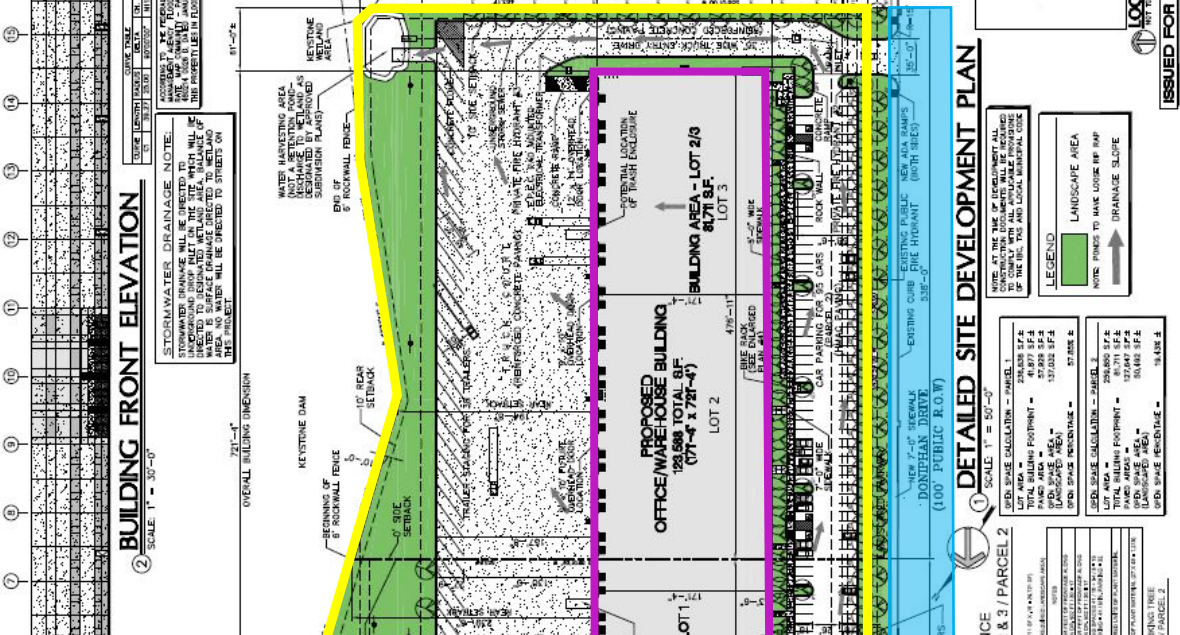
COMMISSION No.	22-175
DATE ISSUED	12/27/22
REV	DATE
A	12/27/22
B	12/27/22
C	12/27/22
D	12/27/22
E	12/27/22
F	12/27/22
G	12/27/22
H	12/27/22
I	12/27/22
J	12/27/22
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N	12/27/22
O	12/27/22
P	12/27/22
Q	12/27/22
R	12/27/22
S	12/27/22
T	12/27/22
U	12/27/22
V	12/27/22
W	12/27/22
X	12/27/22
Y	12/27/22
Z	12/27/22

SHEET A-1 OF 1

**Parcel 1**  
Project Code Requirements  
Zone: O-2  
Min Lot Area: 5000 SF  
Min Lot Width: 50 FT  
Min Lot Depth: 100 FT  
Min Front Setback: 25 FT  
Min Side Setback: 5 FT  
Min Rear Setback: 5 FT  
Min Overall Building Dimension: 30 FT

**Parcel 2**  
Project Code Requirements  
Zone: O-2  
Min Lot Area: 5000 SF  
Min Lot Width: 50 FT  
Min Lot Depth: 100 FT  
Min Front Setback: 25 FT  
Min Side Setback: 5 FT  
Min Rear Setback: 5 FT  
Min Overall Building Dimension: 30 FT

**Parcel 3**  
Project Code Requirements  
Zone: O-2  
Min Lot Area: 5000 SF  
Min Lot Width: 50 FT  
Min Lot Depth: 100 FT  
Min Front Setback: 25 FT  
Min Side Setback: 5 FT  
Min Rear Setback: 5 FT  
Min Overall Building Dimension: 30 FT



**Table 1: Parcel 1 Lot Requirements**

Lot No.	Area (SF)	Width (FT)	Depth (FT)	Setback (FT)
1	4167	50	100	25

**Table 2: Parcel 2 Lot Requirements**

Lot No.	Area (SF)	Width (FT)	Depth (FT)	Setback (FT)
2	8771	50	100	25

**Table 3: Parcel 3 Lot Requirements**

Lot No.	Area (SF)	Width (FT)	Depth (FT)	Setback (FT)
3	4167	50	100	25

**Table 4: Stormwater Calculations**

Area (SF)	Runoff Coefficient (C)	Runoff Volume (SF)
123,588	0.3	37,076

**Table 5: Landscaping Calculations**

Area (SF)	Planting Rate (Plants/SF)	Total Plants
123,588	1	123,588

# ATTACHMENT 3

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 Santos*  
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 20 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 17<sup>th</sup> day of February, 1987.

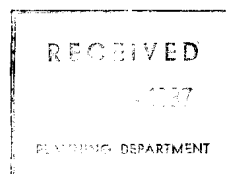
Jonathan W. Rogers  
Mayor

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;

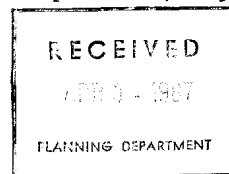
Thence South 64°19'00" West, a distance of twenty and twenty-one hundredths (20.21) feet, to the easterly right-of-way line of Doniphan Drive;

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 31<sup>st</sup> 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

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THE STATE OF TEXAS )  
                          )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 17<sup>th</sup> 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)

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PLANNING DEPARTMENT

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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.

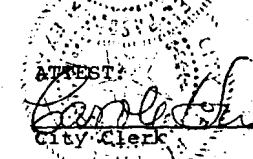
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its direction without the consent of any third person who may be benefited thereby, and without affecting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

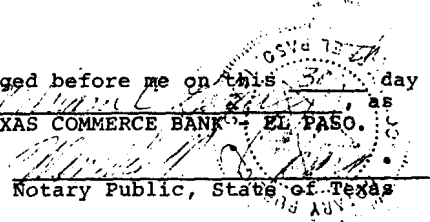
APPROVED AS TO FORM:

[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  
6/14/89

  
 Notary Public, State of Texas

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# **ATTACHMENT 4**

## **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.

Coordinate with TCEQ NOI at time of grading permit because it is greater than 5 acres.

*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**

No comments provided.

## **Sun Metro**

No comments provided.

## **El Paso Water**

EPWater-PSB does not object to this request.

## **EPWU-PSB Comments**

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

There is an existing 12-inch diameter water main that extends along Osborne Drive. This water main is available for service.

There is an existing 54-inch diameter water transmission main that extends along Osborne Drive. No direct service connections are allowed to this main as per the El Paso Water - Public Service Board Rules & Regulations.

There are existing abandoned 54-inch and 36-inch diameter water transmission mains that extended along the 40-foot PSB easement within the property along the east property line.

Previous water pressure from fire hydrant #10035, located at 4440 Doniphan Drive, 682-feet south of Osborne Drive, has yielded a static pressure of 78 psi, a residual pressure of 70 psi, and a discharge of 1,061 gallons per minute.

**Sanitary Sewer**

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

There is an existing 8-inch diameter sanitary sewer along Osborne Drive. This sewer main is available for service.

**General**

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

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-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 EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-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.

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

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. Label the pond/s as "Private".

*Comments will be addressed at the permitting stage.*

**Texas Department of Transportation**

No comments provided.

**El Paso 9-1-1 District**

No comments provided.

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

No comments provided.