

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

DEPARTMENT: Planning & Inspections, Planning Division

AGENDA DATE: March 16, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Luis Zamora, (915) 212-1552

DISTRICT(S) AFFECTED: 1

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:

A Resolution approving a Detailed Site Development Plan for Lot 46, Block 5, West Desert Marketplace Amending, 6121 South Desert Boulevard, 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 development 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: 6121 South Desert Blvd
Applicant: Daniel Kelly PZDS20-00044

BACKGROUND / DISCUSSION:

The applicant is requesting a Detailed Site Development Plan approval for a proposed use of Automobile (sales, service, storage & rental) as required per Ordinance No. 14543, dated July 11, 2000 and amended by Ordinance No. 16684 dated July 17, 2007, requiring that prior to the issuance of any building permits, a detailed site development plan must be approved by City Plan Commission and City Council. City Plan Commission recommended 7-0 to approve the proposed Detailed Site Development Plan on February 11, 2021. As of March 9, 2021, staff has received no communication in support or opposition of the 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

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR LOT 46, BLOCK 5, WEST DESERT MARKETPLACE AMENDING, 6121 SOUTH DESERT BOULEVARD, 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, PRIME DESERT 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-3/C (COMMERCIAL/CONDITIONS) 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, on the following described property which is located in a C-3/c (Commercial/conditions) District:

LOT 46, BLOCK 5, WEST DESERT MARKETPLACE AMENDING, 6121 SOUTH DESERT BOULEVARD, 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-3/C (COMMERCIAL/CONDITIONS) 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-3/C (COMMERCIAL/CONDITIONS) 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 _____, 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

(Agreement on following page)

DEVELOPMENT AGREEMENT

By execution hereof, PRIME DESERT 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-3/C (COMMERCIAL/CONDITIONS) District located within the City of El Paso.

EXECUTED this 26 day of February, 2021.

PRIME DESERT PROPERTIES, LLC

By: [Signature]

ACKNOWLEDGMENT

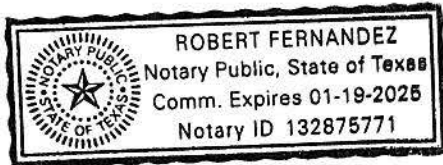
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 26 day of February, 2021, by Alfred Fernandez, in his legal capacity on behalf of _____.

[Signature]
Notary Public, State of Texas

My Commission Expires:

1-19-2025



(Exhibit "A" on the following page)

6121 South Desert Boulevard

City Plan Commission — February 11, 2021

REZONING



CASE NUMBER:	PZDS20-00044
CASE MANAGER:	Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov
PROPERTY OWNER:	Prime Desert Properties, LLC
REPRESENTATIVE:	Daniel Kelly
LOCATION:	6121 South Desert Blvd. (District 1)
PROPERTY AREA:	10.63 acres
REQUEST:	Detailed Site Development Plan Approval per Ordinance No. 14543
RELATED APPLICATIONS:	N/A
PUBLIC INPUT:	Notices are not required.

SUMMARY OF REQUEST: Detailed Site Development Plan for a proposed use of Automobile (sales, service, storage & rental) as required per Ordinance No. 14543, dated July 11, 2000 and amended by Ordinance No. 16684 dated July 17, 2007, requiring that prior to the issuance of any building permits, a detailed site development plan must be approved by City Plan Commission and City Council.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request. The proposed use of Automobile (sales, service, storage & rental) is permitted by right in the C-3 (Commercial) zone district. Surrounding single-family residential development is buffered from the proposed use as the subject property is located high above grade with no access from residential streets. Furthermore, the proposed development is consistent with the surrounding commercial and manufacturing development and meets the requirements of El Paso City Code Section 20.04.150 Detailed Site Development Plan. Furthermore, the development complies with the G-3 Post-War land use designation of *Plan El Paso*.

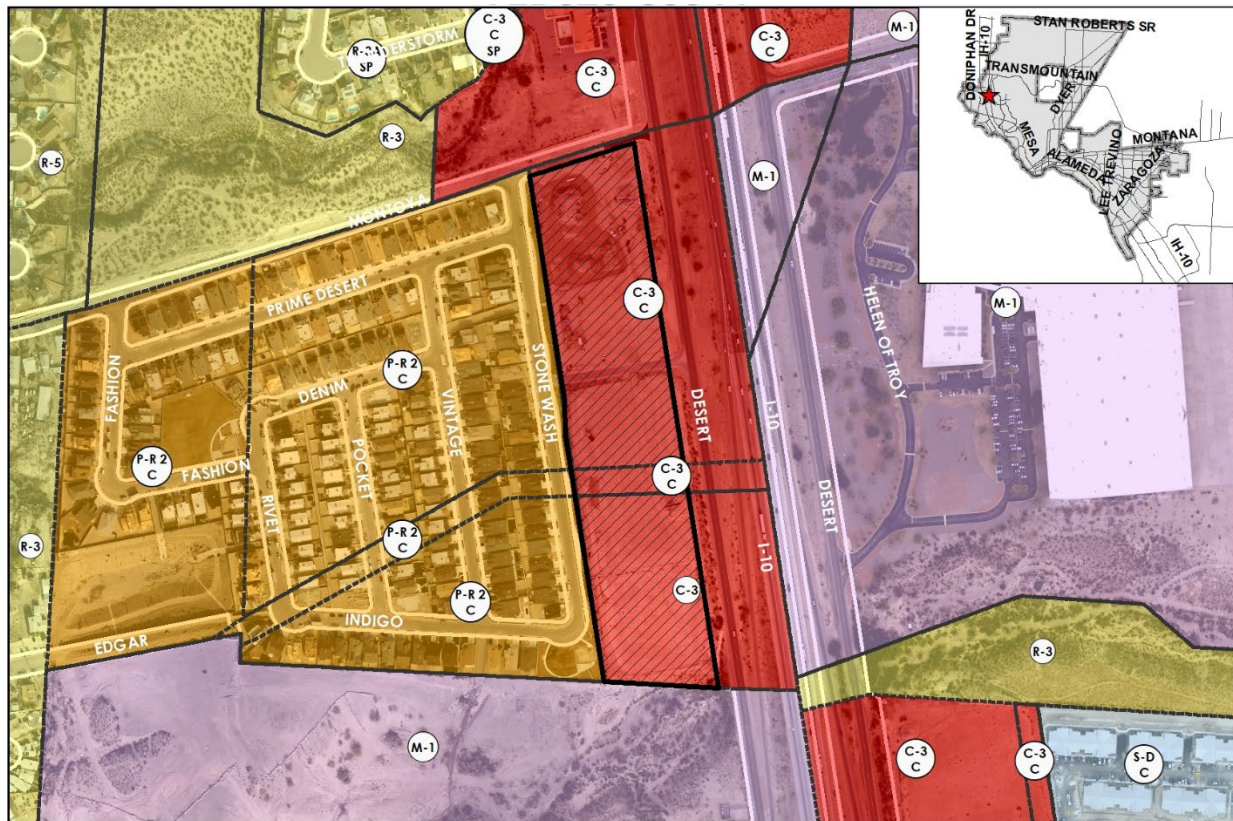


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting approval of a Detailed Site Development Plan to develop a 4.187-acre portion of a 10.63-acre property for the proposed use of Automobile (sales, service, storage & rental). The proposed development includes a 7,737-square-foot main structure to house office, indoor display, and service areas, and includes a separate 936-square-foot carwash structure. The elevations show a maximum building height of 28 feet. Additionally, the proposed development includes a 206-space outdoor automobile sales display area. The maximum allowed parking for the proposed development is twenty-two (22) vehicular spaces and three (3) bicycle spaces. The proposed development provides sixty-five (65) parking spaces consisting of sixty-two (62) regular parking spaces and three (3) accessible parking spaces, one (1) truck loading space, and four (4) bicycle spaces. In addition to landscape requirements under Title 18.46 of the El Paso City Code, the detailed site development plan provides one (1) parking tree for every five (5) spaces in excess of the maximum parking requirement as required per El Paso City Code Section 20.14.050.E. as it exceeds the maximum parking required by forty-three (43) parking spaces. Access is proposed from South Desert Boulevard. As required per Ordinance No. 14543 dated July 11, 2000 and amended by Ordinance No. 16684 dated July 17, 2007, a detailed site development plan must be approved by City Plan Commission and City Council prior to the issuance of any building permits or certificate of occupancy.

PREVIOUS CASE HISTORY: Ordinance No. 14543, dated July 11, 2000, imposed conditions to the property. Ordinance No. 16684, dated July 17, 2007, amended Ordinance No. 14543 by removing some imposed conditions on the property.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: Abutting property to the north is zoned C-3/c (Commercial/conditions) and is currently vacant land, properties to the east and south are zoned M-1 (Light Manufacturing) consisting of offices, general warehousing, and vacant land. Abutting properties to the west are zoned PR-II (Planned Residential II) consisting of single-family homes and a park. The nearest school is Herrera Elementary School (0.38 miles) and the nearest park is High Desert Park (0.0 miles), which abuts the property to the west.

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?
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.	Yes. A Detailed Site Development Plan approval by City Plan Commission and City Council is required per Ordinance No. 14543 dated July 11, 2000 prior to the issuance of any building permits or certificate of occupancy. The proposed detailed site development plan demonstrates compliance with all applicable regulations for the proposed use on the subject property. When the remainder of the site is developed, City Plan Commission and City Council approval of an additional detailed site development plan will be required.
Compatibility with Zoning Regulations: The zoning district permits the proposed use, and all applicable regulations are met C-3 (Commercial): The purpose of this district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.	Yes. The use of Automobile (sales, service, storage & rental) is permitted in the C-3 (Commercial) District, and the subject property demonstrates compliance with all applicable density and dimensional requirements for that use in that district. The proposed development is in keeping with the established appearance and character of its surrounding neighborhood.

COMPLIANCE WITH THE ZONING ORDINANCE – When evaluating whether a proposed Detailed Site Development Plan is in accordance with the Zoning Ordinance, consider following factors:	
THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE 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.	N/A. The property is not located within any Historic Overlay District nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the special permit.	None. There are no anticipated adverse impacts from the approval of the Detailed Site Development Plan request.
Natural Environment: Anticipated effects on the natural environment.	N/A. The subject property does not involve greenfield or environmentally sensitive land or arroyo disturbance.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from South Desert Boulevard, which is designated as a Major Arterial as per the City of El Paso’s Major Thoroughfare Plan and is adequate for the proposed development. The property currently does not have any sidewalks for pedestrian accessibility other than to the west, and they will be required at the time of development.

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.

RELATED APPLICATIONS: None.

OTHER CONSIDERATIONS: None.

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:

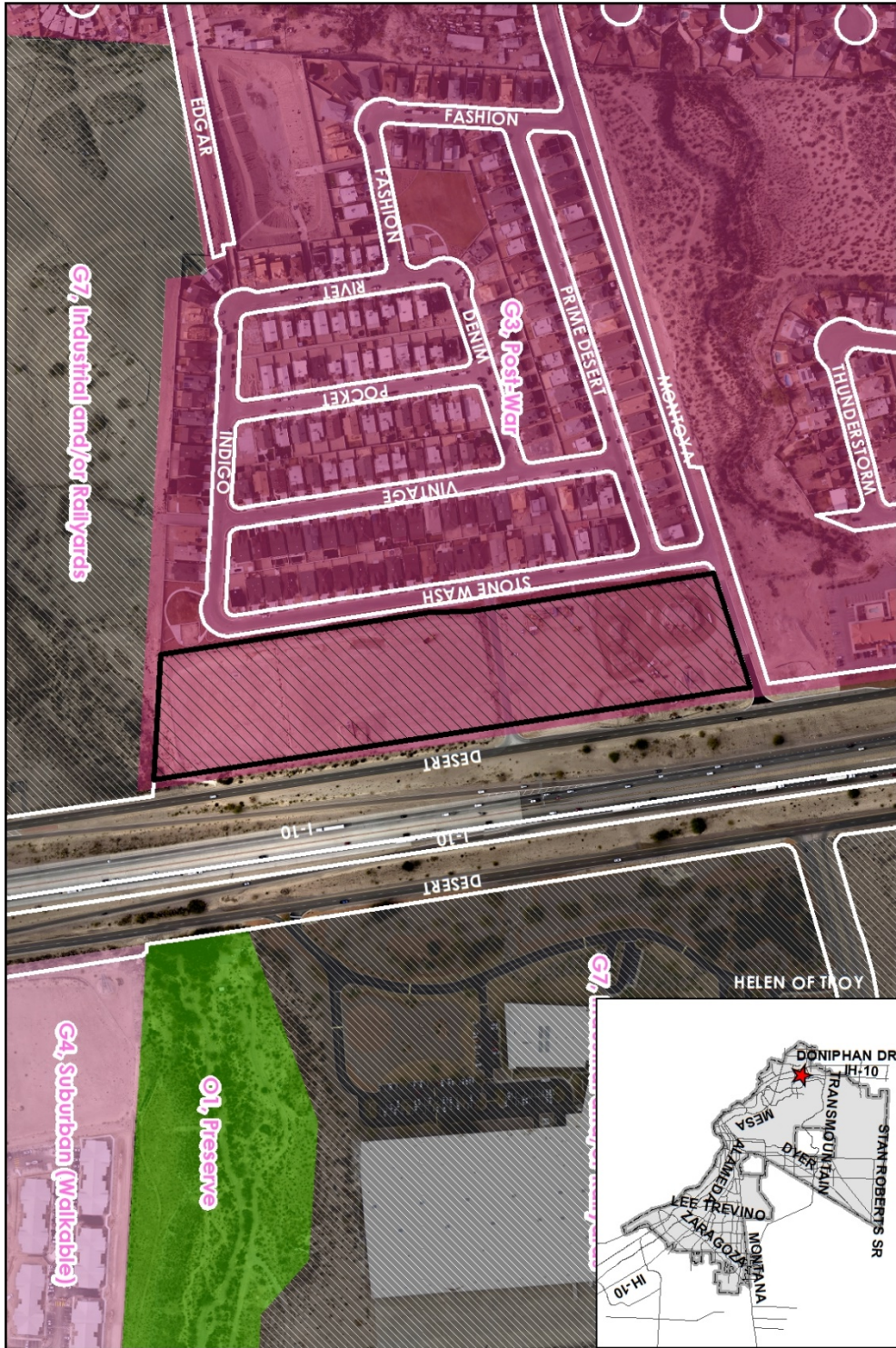
1. **Approve/Recommend Approval** of the Detailed Site Development Plan, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (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 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. Detailed Site Plan
3. Department Comments
4. Ordinance No. 16684
5. Ordinance No. 14543

ATTACHMENT 1

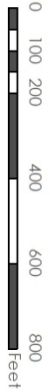
PZDS20-00044



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. Engineers of this map to create greater than a 1:1000 scale and not for use as a legal document. Planning Division makes no claim to the accuracy or completeness.



Subject Property



ATTACHMENT 3

Planning and Inspections Department - Planning Division

No objections. Future development within the same property will require a new Detailed Site Development Plan application.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval.

Planning and Inspections Department – Land Development

1. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
2. Coordinate with TXDOT for access and drainage requirements. Show drainage patterns along abutting TXDOT ROW.
3. Verify the necessary ADA ramps are provided at all sidewalk crosswalks.
4. Sidewalks shall continue across driveways.

Fire Department

Recommend approval.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

1. The maintenance of the shared driveway (26' x 304.47') for the proposed development shall be the responsibility of the property owners as per CoEP Code of Ordinances, Section 13.12.220 & 20.02.1042.
2. There are currently two existing connections from Stone Wash St. to S Desert Blvd.

Sun Metro

No objections.

El Paso Water Utilities

All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy.

The El Paso Water – Public Service Board (EPWater-PSB) requires a complete set of improvement plans, grading plans, and landscaping plans for review and approval prior to any work pertaining to the area located within the PSB Easements. This is required in order to ascertain that the proposed improvements and/or grading will not adversely affect the facilities within the easement.

Water:

There is an existing 12-inch diameter water main along Montoya Road. There is also a 12-inch diameter water main that extends along the west side of the subject property located within an existing 25-foot PSB Easement. These water mains are available for service and main extension. Service to the site requires the extension of a 12-inch water main to connect to an existing water main located approximately 200-feet north of Montoya Road

There is an existing 48-inch diameter water transmission main that extends along the east side of the subject property located within an existing 25-foot PSB Easement and along TxDOT right-of-way. The main is located approximately 10-feet from the east easement line. No directive service connections are allowed to this main as per the El Paso Water – Public Service Board Rules and Regulations

Previous water pressure from fire hydrant #11430 located near the intersection of Stone Wash St. and Indigo St. has yielded a static pressure of 62 (psi), a residual pressure of 52 (psi) and a discharge of 919 gallons per minute (gpm).

Sanitary Sewer:

There is an existing 8-inch diameter sewer main that extends along the west side of the subject property located within the 25-foot PSB Easement. This 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, trees, 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. 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.

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.

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, 3rd 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:

No comments received.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

Not within the boundaries of EPCWID.

ATTACHMENT 4

107

ORDINANCE NO. 016684 CITY CLERK DEPT.

07 JUN 15 4:10:06

AN ORDINANCE RELEASING A CONDITION PLACED ON PROPERTY BY ORDINANCE NO. 014543 WHICH CHANGED THE ZONING OF A PORTION OF TRACT 6 AND EDGAR ROAD RIGHT-OF-WAY, S.A. & M.G. RAILROAD COMPANY SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED CERTAIN CONDITIONS AND AMENDING A CONDITION PLACED ON THE PROPERTY BY ORDINANCE NO. 014543. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Tract 6 and Edgar Road right-of-way, S.A. & M. G. Railroad Company Survey 266, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", was changed by Ordinance No. 014543, approved by City Council on July 11, 2000; and,

WHEREAS, rezoning was subject to zoning conditions requiring that access from and onto the rezoned M-1 (Light Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard, and that if the property owner requests amendment of these conditions to release the above restriction to allow access to the property from either Edgar Road or Montoya Lane, such release will require resubmittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards; and,

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

WHEREAS, the property is currently vacant and the applicant is proposing a commercial development on this parcel and the parcel to the south, by releasing the above conditions the applicant will be required to construct half of the width and full length of Montoya Drive that abuts their property as required by the Subdivision Ordinance, and Edgar Road will be fully constructed within this subdivision and will be vacated by plat; and,

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

WHEREAS, a public hearing regarding release of the conditions was held before the City Plan Commission, and the Commission recommended approval of the above condition; and,

WHEREAS, the City Council of the City of El Paso has determined that release of the above condition 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:

1. That zoning condition number 2 imposed by Ordinance No. 014543 dated July 11, 2000 requiring that access from and onto the rezoned M-1 (Light

DocZON07-00030 Ord

ZONING CONDITION RELEASE ZON07-00030

1

Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard be released.

- 2. That zoning condition number 3, imposed by Ordinance No. 014543 dated July 11, 2000, requiring that if the property owner requests amendment of condition number 2 above to allow access to the property from either Edgar Road or Montoya Lane, and that such release will require resubmittal of a new detailed site development plan, and that the property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards, be amended to state that "if the property is accessed from Edgar Road or Montoya Lane, the property owner will be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City standards."
- 3. Except as herein amended, Ordinance No. 014513 dated July 11, 2000 shall remain in full force and effect

PASSED AND APPROVED this 17th day of July, 2007.

THE CITY OF EL PASO



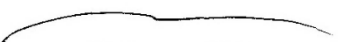
 John F. Cook
 Mayor

ATTEST:



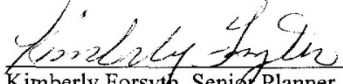
 Richarda Duffy Momsen
 City Clerk

APPROVED AS TO FORM:



 Lupe Cuellar
 Assistant City Attorney

APPROVED AS TO CONTENT:



 Kimberly Forsyth, Senior Planner
 Development Services Department

CITY CLERK DEPT.
 07 JUN 15 AM 10:06

016684

Property description: A 24.191-acre portion of Tract 6 and Edgar Road right-of-way, S.A. & M.G. Railroad Company Survey 266, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 24.191-acre portion of Tract 6 (August 8, 1960, Book 1554, Page 277, Deed Records, El Paso County, Texas) and Edgar Road right-of-way (60-foot right-of-way, June 15, 1953, Book 1124, Page 84, Deed Records, El Paso County, Texas), El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at a ½" rebar with cap marked "TX 1976" found at the intersection of the common boundary between Tracts 3A2 (January 11, 1988, Book 1905, Page 0996, Deed Records, El Paso County, Texas) and 3A3 (January 11, 1988, Book 1905, Page 1000, Deed Records, El Paso County, Texas), S.A. & M.G. Railroad Company Survey 266 and the northerly right-of-way of Montoya Lane (60-foot right-of-way, June 15, 1953, Book 1124, Page 84, Deed Records, El Paso County, Texas); Thence, North 69°07'00" East, along said right-of-way, a distance of 513.73 feet to a ½" rebar with cap marked "TX 1976" found on the common boundary between Tracts 3A1 (January 11, 1988, Book 1905, Page 1000, Deed Records, El Paso County, Texas) and 3A2, S.A. & M.G. Railroad Company Survey 266; Thence, North 69°07'00" East, continuing along said right-of-way, a distance of 617.12 feet to the westerly right-of-way of U.S. Interstate Highway No. 10 (March 22, 1957, Book 1335, Page 313, Deed Records, El Paso County, Texas); Thence, South 11°47'30" East, along said westerly right-of-way, a distance of 60.76 feet to the southerly right-of-way of Montoya Lane and the **POINT OF BEGINNING** of this description;

THENCE, South 11°47'30" East, continuing along said westerly right-of-way, a distance of 927.35 feet to the centerline of Edgar Road;

THENCE, South 85°30'00" West, along said centerline, a distance of 558.24 feet;

THENCE, South 55°39'00" West, continuing along said centerline, a distance of 818.40 feet;

THENCE, South 75°47'00" West, continuing along said centerline, a distance of 23.88 feet;

THENCE, North 14°13'00" West, a distance of 30.00 feet to the intersection of the northerly right-of-way of Edgar Road and the westerly boundary of that certain 23.19-acre parcel of land described July 11, 2000, in City of El Paso Ordinance No. 014543;

THENCE, North 00°00'00" East, along said westerly boundary, a distance of 980.68 feet to the southerly right-of-way of Montoya Lane;

THENCE, North 69°07'00" East, along said right-of-way, a distance of 1148.66 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 24.191 acres (1,053,752 square feet) of land more or less.

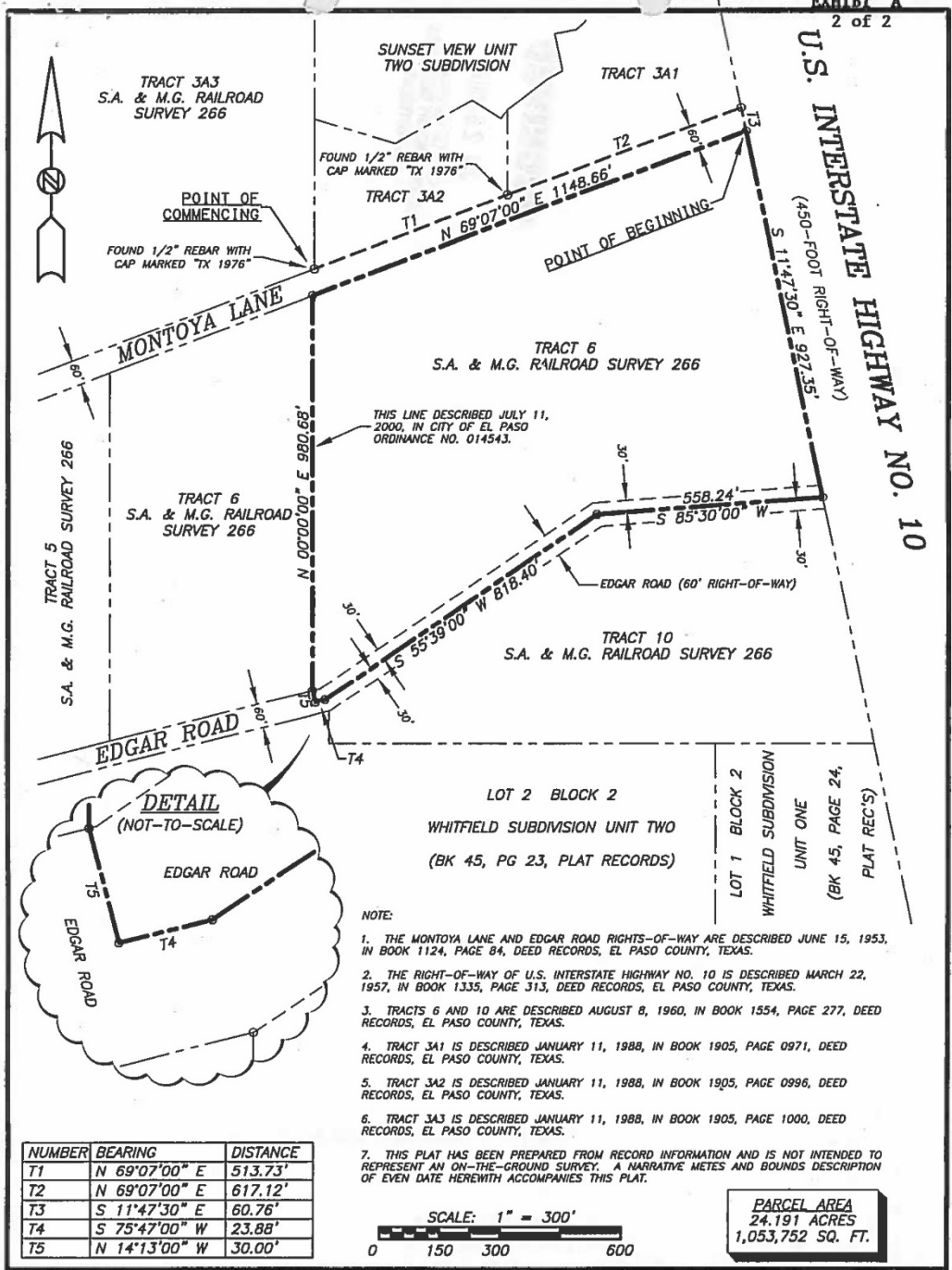
NOTE: THIS DESCRIPTION HAS BEEN PREPARED FROM RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A PLAT OF EVEN DATE HEREWITH ACCOMPANIES THIS DESCRIPTION.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors



Robert R. Seipel, R.P.L.S.
President
Texas License No. 4178

016684



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

EXHIBIT

A 24.191-ACRE PORTION OF TRACT 6 AND EDGAR ROAD RIGHT-OF-WAY, S.A. & M.G. RAILROAD COMPANY SURVEY 266, EL PASO, EL PASO COUNTY, TEXAS.

DATE: 03-27-07
SCALE: 1" = 300'
DRAWN BY: RRS
CHECKED BY: RRS
FIELD BOOK: ~
FILE #: 07-0005

CITY CLERK DEPT. 07 JUN 15 AM 10:06
16684

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ATTACHMENT 5

ORDINANCE NO. 014543

AN ORDINANCE CHANGING THE ZONING OF TRACT 6, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (6000 BLOCK OF SOUTH DESERT BOULEVARD) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO M-1/C (LIGHT MANUFACTURING/CONDITIONS); AND PARCEL 2, FROM R-3 (RESIDENTIAL) TO C-1/C (COMMERCIAL/CONDITIONS); AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of *Tract 6, S. A. & M. G. SURVEY NO. 266, City of El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibits "A" and "B", be changed, within the meaning of the zoning ordinance, as follows:

- Parcel 1: from R-3 (Residential) to M-1/c (Light Manufacturing/conditions) (Exhibit "A")
- Parcel 2: from R-3 (Residential) to C-1/c (Commercial/conditions) (Exhibit "B")

and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to M-1/c (Light Manufacturing/conditions) and from R-3 (Residential) to C-1/c (Commercial/conditions), in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. The westerly 500 feet of *Tract 6, S. A. & M. G. SURVEY NO. 266* shall be rezoned to C-1 (Commercial).
2. Access from and onto the rezoned M-1 (Light Manufacturing) parcel shall only be permitted from and onto South Desert Boulevard.
3. If the property owner requests amendment of these conditions to release Restriction No. 2 above to allow access to the property from either Edgar Road or Montoya Lane, such release will require resubmittal of a new detailed site development plan. The property owner will then be required to make all street improvements to bring those portions of Edgar Road and Montoya Lane abutting the property up to City street standards.

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4. Submittal of a detailed site development plan for approval by the City Plan Commission and City Council prior to the issuance of a building permit or certificate of occupancy.


5. Construction of an eight-foot (8') high masonry screening wall along the westerly property line of *Tract 6, S. A. & M. G. SURVEY NO. 266* shall be required prior to the issuance of certificates of occupancy; the vertical surface of the screening wall, above six feet (6'), must not be less than 75% open.

6. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the westerly property line of *Tract 6, S. A. & M. G. SURVEY NO. 266* shall be required prior to the issuance of certificates of occupancy and shall be in addition to landscaping required per El Paso Municipal Code, Chapter 20.65.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.


PASSED AND APPROVED this 11th day of July, 2000.

THE CITY OF EL PASO




Carlos M. Ramirez, P.E.
Mayor

ATTEST:



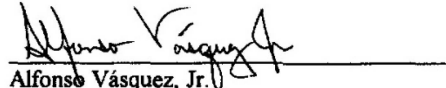
Carmel Hunter
City Clerk

APPROVED AS TO FORM:



Guadalupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Alfonso Vázquez, Jr.
Dept. of Planning, Research & Development

CUELLAR:pmc#71276

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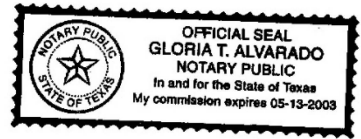
ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 12th day of July, 2000, by CARLOS M. RAMIREZ, P.E. as Mayor of **THE CITY OF EL PASO**.

My Commission Expires: May 13, 2003

Gloria T. Alvarado
Notary Public, State of Texas
Notary's Printed or Typed Name:
Gloria T. Alvarado



CUELLAR:pmc#71276
ORDINANCE NO. 014543

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6/7/00
Zoning Case No. ZC-00023

Being a portion of Tract 6,
S.A. and M.G. Survey No. 266,
City of El Paso, El Paso County, Texas
Prepared for: Karam Company
May 31, 2000

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 6, S.A. and M.G. Survey No. 266, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING" being a point on the intersection of the Southerly right-of-way line of Montoya Lane with the Westerly right-of-way line of U.S. Interstate Highway No. 10; Thence along the Westerly right-of-way line of U.S. Interstate Highway No. 10 South $11^{\circ}47'30''$ East a distance of 896.67 feet to a point on the Northerly right-of-way line of Edgar Road;

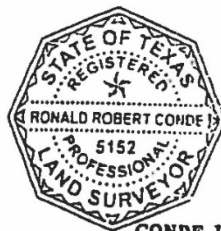
Thence along said right-of-way line the following 3 courses:

1. South $85^{\circ}30'00''$ West a distance of 560.80 feet to a point;
2. South $55^{\circ}39'00''$ West a distance of 821.07 feet to a point;
3. South $75^{\circ}47'00''$ West a distance of 18.55 feet to a point;

Thence leaving said right-of-way line North $00^{\circ}00'00''$ East a distance of 980.70 feet to a point on the Southerly right-of-way line of Montoya Lane;

Thence along said right-of-way line North $69^{\circ}07'00''$ East a distance of 1,147.04 feet to the "TRUE POINT OF BEGINNING" and containing in all 1,010,306.73 square feet or 23.19 acres of land more or less.

Ron R. Conde
Ron R. Conde
R.P.L.S. No. 5152



Job# 500-56-2
R.C.
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CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

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Being a portion of Tract 6,
S.A. and M.G. Survey No. 266,
City of El Paso, El Paso County, Texas
Prepared for: Karam Company
May 31, 2000

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 6, S.A. and M.G. Survey No. 266, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a point on the intersection of the Southerly right-of-way line of Montoya Lane with the Westerly right-of-way line of U.S. Interstate Highway No. 10; Thence along the Southerly right-of-way line of Montoya Lane South 69°07'00" West a distance of 1,147.04 feet to the "TRUE POINT OF BEGINNING";

Thence leaving said right-of-way line South 00°00'00" West a distance of 980.70 feet to a point on the Northerly right-of-way line of Edgar Road;

Thence along said right-of-way line South 75°47'00" West a distance of 515.80 feet to a point on the Westerly boundary line of Tract 6, S.A. and M.G. Survey No. 266;

Thence along said boundary line North 00°00'00" East a distance of 916.61 feet to a point on the Southerly right-of-way line of Montoya Lane;

Thence along said right-of-way line North 69°07'00" East a distance of 535.16 feet to the "TRUE POINT OF BEGINNING" and containing in all 474,328.60 square feet or 10.89 acres of land more or less.

Ron R. Conde
Ron R. Conde
R.P.L.S. No. 5152



Job# 500-56-3
R.C.
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