

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

AGENDA DATE: May 23, 2023
PUBLIC HEARING DATE: June 21, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 3

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An ordinance changing the zoning of the property described as a portion of Tracts 10E and 11D, Section 36, Block 80, Township 2, Texas and Pacific Railway Surveys and a portion of Lot 1, Block 1, Pars Commercial Village, 11248 and 11254 Montana Avenue and 3667 George Dieter Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning 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: 11248 and 11254 Montana Avenue and 3667 George Dieter Drive
Applicant: Abdolkarim Saadatkhah - PZRZ22-00044

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions) to allow for a proposed shopping center. City Plan Commission recommended 7-1 to approve the proposed rezoning with seven (7) conditions on April 6, 2023. As of May 15, 2023, the Planning Division has not received communication in support or opposition to the request. Staff received three phone calls and two emails of inquiry. Three residents attended to express their opposition at the City Plan Commission hearing. 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? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Kevin Smith for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 10E AND 11D, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS AND A PORTION OF LOT 1, BLOCK 1, PARS COMMERCIAL VILLAGE, 11248 AND 11254 MONTANA AVENUE AND 3667 GEORGE DIETER DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND C-1 (COMMERCIAL) TO C-3 (COMMERCIAL) AND FROM C-4/C (COMMERCIAL/CONDITIONS) TO C-3/C (COMMERCIAL/CONDITIONS), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of a portion of Tracts 10E and 11D, Section 36, Block 80, Township Texas and Pacific Railway Surveys and a portion of Lot 1, Block 1, Pars Commercial Village, 11248 and 11254 Montana Avenue and 3667 George Dieter Drive, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm) and C-1 (Commercial) C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

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

1. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits.
2. That a twenty-foot (20') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
3. That no building(s) shall be constructed closer than fifty (50) feet to the property lines adjacent to residential zone districts or uses.
4. That all access to Kachina Drive be prohibited.
5. That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:
 - a. Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and

ORDINANCE NO. _____

PZRZ22-00044

- b. Providing outdoor amplified sound.
6. That within twenty feet (20') from the front property line abutting Montana Avenue, no vehicular storage or display shall be allowed.
7. That a seven foot (7') high masonry wall be required to be placed along the entire property line abutting residential zone districts or uses.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____ 2023.

THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO CONTENT:

Kevin Smith for

Philip F. Etiwe, Director
Planning & Inspections Department

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

(Exhibit "A" on the following pages)

EXHIBIT "A"

PARCEL 1 ZONING CHANGE METES AND BOUNDS

Description of a parcel of land being a portion of Tracts 10E and 11D, Section 36, Block 80, Township 2, Texas and Pacific Railway Surveys, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Commencing at an existing City Monument on the center line intersection of Breckenridge Drive (60 feet ROW) and George Dieter Drive (120 feet ROW); Thence $S00^{\circ}33'00''$ E along the center line of George Dieter Drive, a distance of 140.58 feet to a point : Thence leaving said center line $N90^{\circ}00'00''$ W a distance of 60.00 feet to a point on the North ROW line of George Dieter Drive; Thence $N90^{\circ}00'00''$ W a distance of 475.97 feet to a point that marks the Southeast corner of this parcel of land, said point also being the point of beginning of this description;

Thence $N90^{\circ}00'00''$ W, a distance of 125.60 feet to a point that marks the Southwest corner of this parcel of land;

Thence $N00^{\circ}00'00''$ E , a distance of 758.84 feet to a point that marks the Northwest corner of this parcel of land;.

Thence $S90^{\circ}00'00''$ E, a distance of 125.60 feet to a point; that marks the Northeast corner of this parcel of land;

Thence $S00^{\circ}00'00''$ W a distance of 758.84 feet to the point of beginning of this description. Said parcel of land contains 95,311 square feet or 2.188 acres of land more or less.



El Paso, Texas Thursday, January 12, 2023

.PARCEL 2
ZONING CHANGE
METES AND BOUNDS

Description of a parcel of land being a portion of Lot 1, Block 1 Pars Commercial Village, City of El Paso, El Paso County, Texas being more particularly described by metes and bounds as follows:

Commencing at at an existing City Monument on the center line intersection of Breckenridge Drive (60 feet ROW) and George Dieter Drive (120 feet ROW); Thence $S00^{\circ}33'00''$ E along the center line of George Dieter Drive, a distance of 140.58 feet to a point : Thence leaving said center line $N90^{\circ}00'00''$ W a distance of 60.00 feet to a point on the North ROW line of George Dieter Drive; Thence $N90^{\circ}00'00''$ W a distance of 472.94 feet to a point. Thence $S00^{\circ}00'00''$ E to a point that marks the Northwest corner of this parcel of land, said point also being the point of beginning of this descripton;

Thence $S00^{\circ}00'00''$ E, a distance of 250.30 feet to a point on the South ROW line of Montana Ave.;

Thence $S81^{\circ}12'00''$ W , along said Southern ROW line of Montana Ave., a distance of 290.04 feet to a point.

Thence $N00^{\circ}00'00''$ W, a distance of 294 68 feet to a point;

Thence $N90^{\circ}00'00''$ E a distance of 286.63 feet to the point of beginning of this description. Said parcel of land contains 78,103 square feet or 1.793 acres of land more or less.



El Paso, Texas Thursday, January 12, 2023

LEGAL DESCRIPTION:

PARCEL 1
ZONING CHANGE
METES AND BOUNDS

Description of a parcel of land being a part line of Tracts 10E and 11D, Section 36, Block 80, Township 2, Tarrant and Pacific Railroad, State of Texas, City of El Paso, El Paso County, and being more particularly described by metes and bounds as follows:

Commencing at an existing City Monument on the center line intersection of Breckenridge Drive (60 feet ROW) and George Dieter Drive (120 feet ROW); Thence N00°33'00"W along the center line of George Dieter Drive, a distance of 140.58 feet to a point; Thence S09°00'00"W along the center line of George Dieter Drive, a distance of 60.00 feet to a point on the North ROW line of George Dieter Drive; Thence N09°00'00"W a distance of 472.94 feet to a point; Thence N00 degrees 00 minutes 00 seconds W a distance of 344.70 feet to a point that marks the Southeast corner of these parcels, said point also being the point of beginning of this description; Thence N09°00'00"W, a distance of 125.60 feet to a point that marks the Southwest corner of this parcels of land;

Thence N09°00'00"E, a distance of 758.84 feet to a point that marks the Northwest corner of the parcels of land;

Thence S09°00'00"E, a distance of 125.60 feet to a point; that marks the Northeast corner of these parcels of land;

Thence S09°00'00"W, a distance of 27.50 feet to a point; that marks the Southeast corner of this parcel of land;

Thence S09°00'00"W a distance of 758.84 feet to the point of beginning of this description. Said parcels of land contains 955.11 square feet or 2.18 acres of land more or less.

PARCEL 2
ZONING CHANGE
METES AND BOUNDS

Description of a parcel of land being a part line of Lot 1, Block 1 Pars Commercial Village City of El Paso, El Paso County, and being more particularly described by metes and bounds as follows.

Commencing at an existing City Monument on the center line intersection of Breckenridge Drive (60 feet ROW) and George Dieter Drive (120 feet ROW); Thence N00°33'00"W along the center line of George Dieter Drive, a distance of 140.58 feet to a point; Thence leaving said center line N09°00'00"W a distance of 60.00 feet to a point on the North ROW line of George Dieter Drive; Thence N09°00'00"W a distance of 1249.18 feet to a point that marks the Southwest corner of this parcel of land, said point also being the point of beginning of this description;

Thence N81°12'00"W, along said Southern ROW line of Montana Avenue, distance of 290.04 feet to a point that marks the Northeast corner of this parcel of land;

Thence S09°00'00"W, a distance of 294.68 feet to a point;

Thence N09°00'00"W, a distance of 27.50 feet to a point;

Thence S09°00'00"W, a distance of 199.90 feet to a point that marks the Southeast corner of this parcel of land;

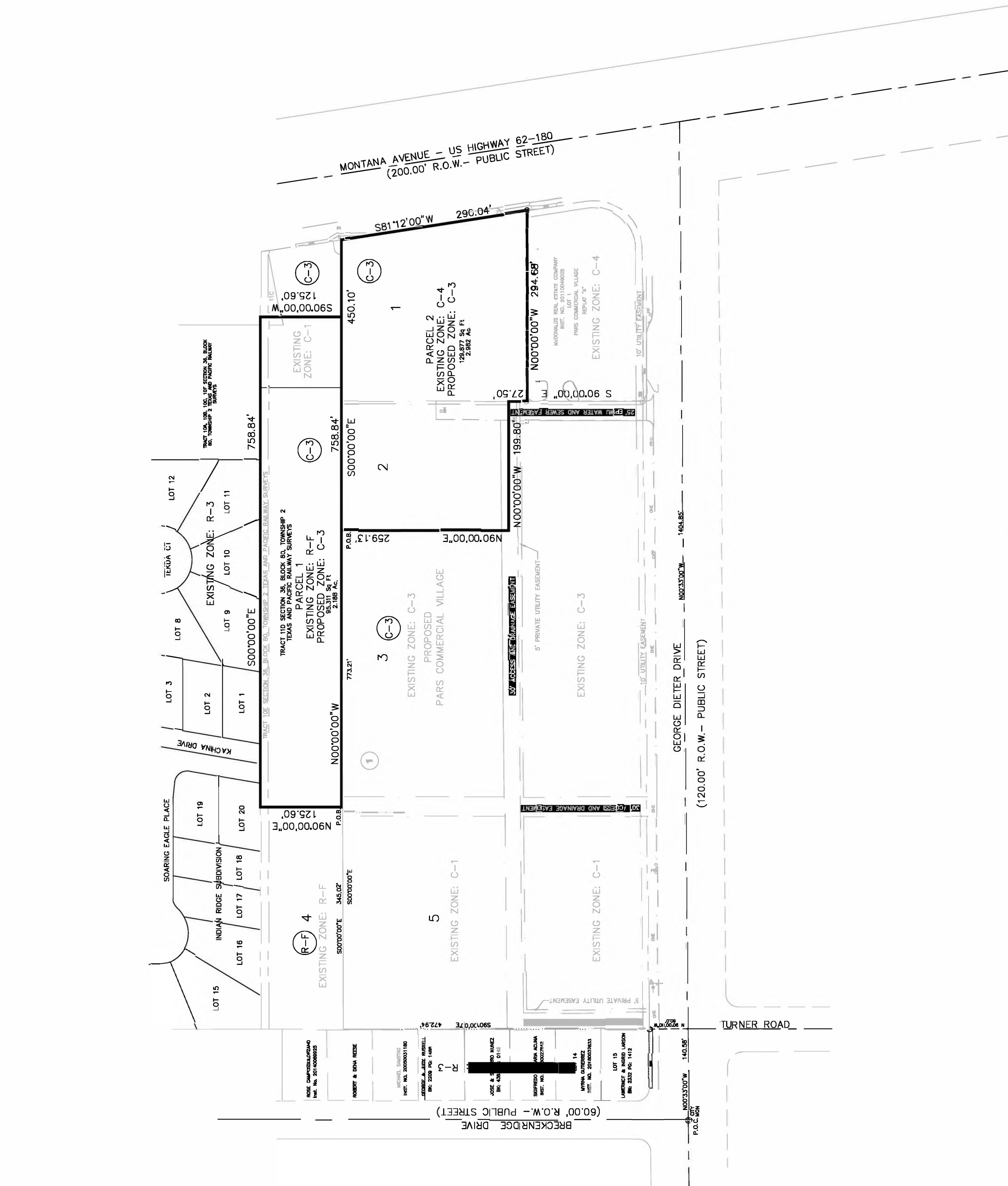
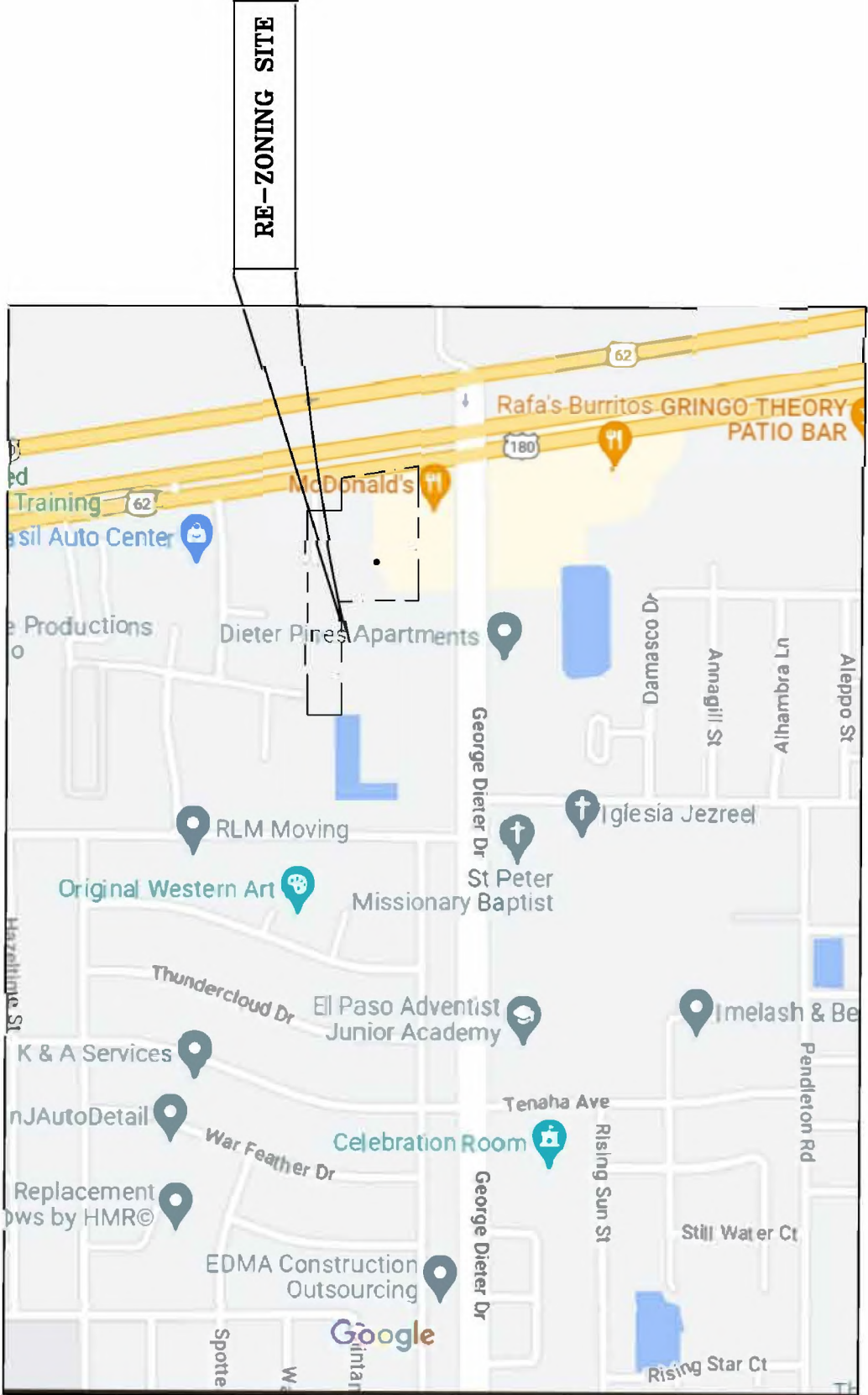
Thence S09°00'00"W, a distance of 286.63 feet to the point of beginning of this description. Said parcel of land contains 128.77 square feet or 2.962 acres of land more or less.

ZONING

EXISTING R-F, C-1, & C-4
PROPOSED C-3

VICINITY MAP

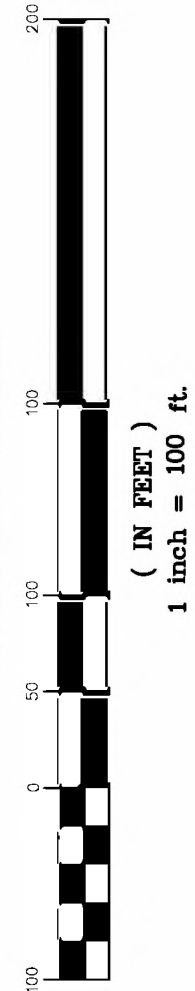
1"=600'



Scale: 1" = 100.0'



GRAPHIC SCALE

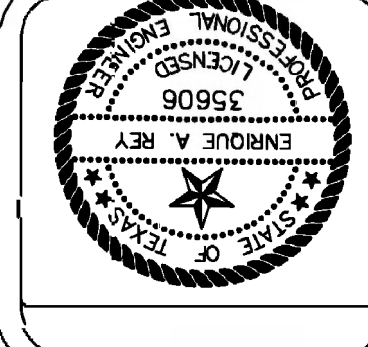


REVISIONS	
Δ	6/19/2017

PROJECT ARCHITECT	
PROJECT MANAGER	
DRAWING BY	
DATE	11-29-2022
FILE	

OWNER	

PROJECT NAME	
11248 MONTANA AVENUE	EL PASO, TEXAS
ZONING CHANGE	



Consulting Engineering & Surveying
REY ENGINEERING
9454 WISCONSIN DRIVE SUITE 148, EL PASO, TX 79923
TEL. OFFICE (915) 633-8070 MOBILE (915) 308-1889

SHEET TITLE	
ZONING CHANGE	
1-1	
SHT. 01 OF 01	

11248 and 11254 Montana Avenue, and 3667 George Dieter Drive

City Plan Commission — April 6, 2023 **(REVISED)**



CASE NUMBER:	PZRZ22-00044
CASE MANAGER:	Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER:	Abdolkarim Saadatkhah
REPRESENTATIVE:	Rey Engineering
LOCATION:	11248 Montana Ave., 11254 Montana Ave., and 3667 George Dieter Dr. (District 3)
PROPERTY AREA:	3.98 acres
REQUEST:	Rezone from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	Received 3 phone calls and 2 emails of inquiry as of April 6, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions) to allow for shopping center.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The proposed zoning district is compatible with the commercial uses in the surrounding area and consistent with *Plan El Paso*, the City's Comprehensive Plan and the G-4, Suburban (Walkable) future land use designation. The conditions are the following:

1. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits.*
2. *That a twenty-foot (20') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
3. *That no building(s) shall be constructed closer than fifty feet (50') to the property lines adjacent to residential zone districts or uses.*
4. *That ingress and egress at Kachina Drive be limited to emergency vehicles only.*
5. *That a minimum five hundred-foot (500') distance be required between any establishments meeting both of the following criteria:*
 - a. Establishment deriving fifty-one percent (51%) or more of their income from the sale of alcoholic beverages for on-premise consumption; and
 - b. Providing outdoor amplified sound.
6. *That within twenty feet (20') from the front property line abutting Montana Avenue, no vehicular storage or display shall be allowed.*

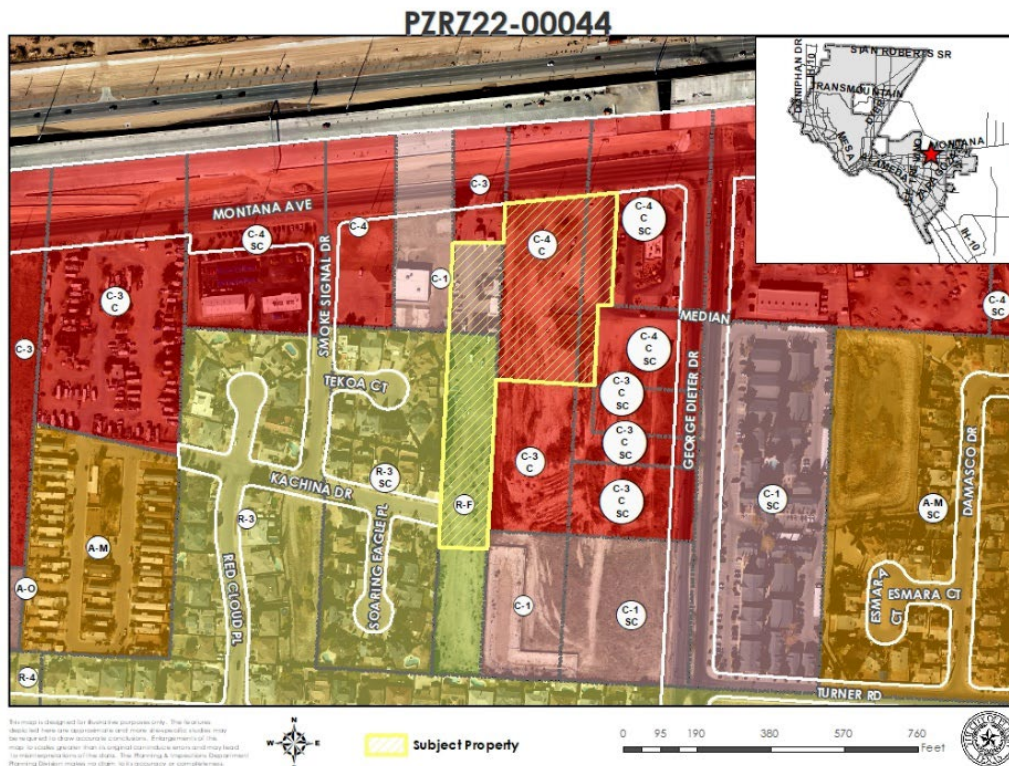


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) and from C-4/c (Commercial/conditions) to C-3/c (Commercial/conditions) to allow for a proposed shopping center. The size of the property is 3.98 acres. The conceptual site plan shows six (6) proposed structures on the subject property that range from 2,000 to 10,000 square feet. Main access to the property is proposed from Montana Avenue and George Dieter Drive.

PREVIOUS CASE HISTORY: By Ordinance No. 8850, dated November 11, 1986, City Council approved the rezoning of the subject property from R-3 (Residential) to C-1 (Commercial) and C-3 (Commercial) with the following conditions:

1. First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.

Note: Condition No. 1 was released in its entirety by Ordinance No.17282, dated March 2, 2010 and does not apply.

2. Prior to the issuance of any building permits, a subdivision plat must be filed of record. As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montana Avenue interchange.

Note: Condition No. 2 was amended by Ordinance No. 17282, dated March 2, 2010 to read as the following: Prior to the issuance of any building permits, a subdivision plat must be filed of record. Condition will be applicable.

3. No building (s) can be constructed closer than fifty (50) feet to the southern boundary line of Parcel 1.

Note: Condition No. 3 does not apply.

By Ordinance No. 15907, dated September 28, 2004, City Council approved the rezoning of the subject property from R-F (Ranch and Farm) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4 (Commercial/special contract) with the following condition:

Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.

Note: this condition will be applicable.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed use of shopping center and the C-3 (Commercial) district are compatible with nearby C-1 (Commercial), C-3 (Commercial), C-4 (Commercial), consisting of automobile repair service station, restaurant, and ponding area and meet the established character of the neighborhood surrounding the subject property. The properties to the west include single-family dwellings zoned R-3 (Residential). The conditions are being recommended to address the incompatibility with the residential zone district. The proposed rezoning will allow for the creation of commercial establishments that will provide goods or render services in close proximity to residential properties. The closest school is Pebble Hill Elementary School located 1.13 miles away and the closest park is Indian Ridge Park located 1.5 miles away.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed shopping center is compatible with the future land use designation. The intent is to allow for the creation of establishments providing civic and commercial uses to the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and 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 district 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.</p>	<p>Yes. The proposed C-3 (Commercial) zoning district is the same as the adjacent zoning district to the south and east. The proposed commercial developments have the potential to provide goods and render services to the nearby area and are in character with the spirit of the C-1 (Commercial), C-3, and C-4 (Commercial) zone districts. Conditions are being recommended to address the incompatibility with the R-3 (Residential) zone district.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to Montana Avenue and George Dieter Drive, which are designated as a Freeway and Major Arterial, respectively in the City's Major Thoroughfare Plan. The classification of these roads is appropriate for the proposed development.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the 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.	None. The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community. The conditions are being recommended to address the incompatibly with the residential properties to the west.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve greenfield, environmentally sensitive land, or arroyo disturbance.
Stability: Whether the area is stable or in transition.	None. The area is stable and the surrounding properties have not been rezoned in the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The R-F (Ranch and Farm) is no longer appropriate fit the existing commercial surrounding area.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The proposed development will have access to Montana Avenue and George Dieter Drive, which are designated as a Freeway and Major Arterial, respectively in the City's Major Thoroughfare Plan. The classification of these roads is appropriate for the proposed development. The existing infrastructure and services are adequate to serve the proposed redevelopment. Sidewalks are consistently present near the subject property. The closest bus stop includes Brio route service and is along Montana Avenue located 0.15 miles from the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from reviewing departments.

PUBLIC COMMENT: The property does not lie within any neighborhood associations. As required, public notices were mailed to property owners within 300 feet on March 23, 2023. As of April 6, 2023, the Planning Division has not received any communication in support or opposition to the request from the public. But staff received three phone calls and two emails of inquiry, see attachment 8.

RELATED APPLICATIONS: 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:

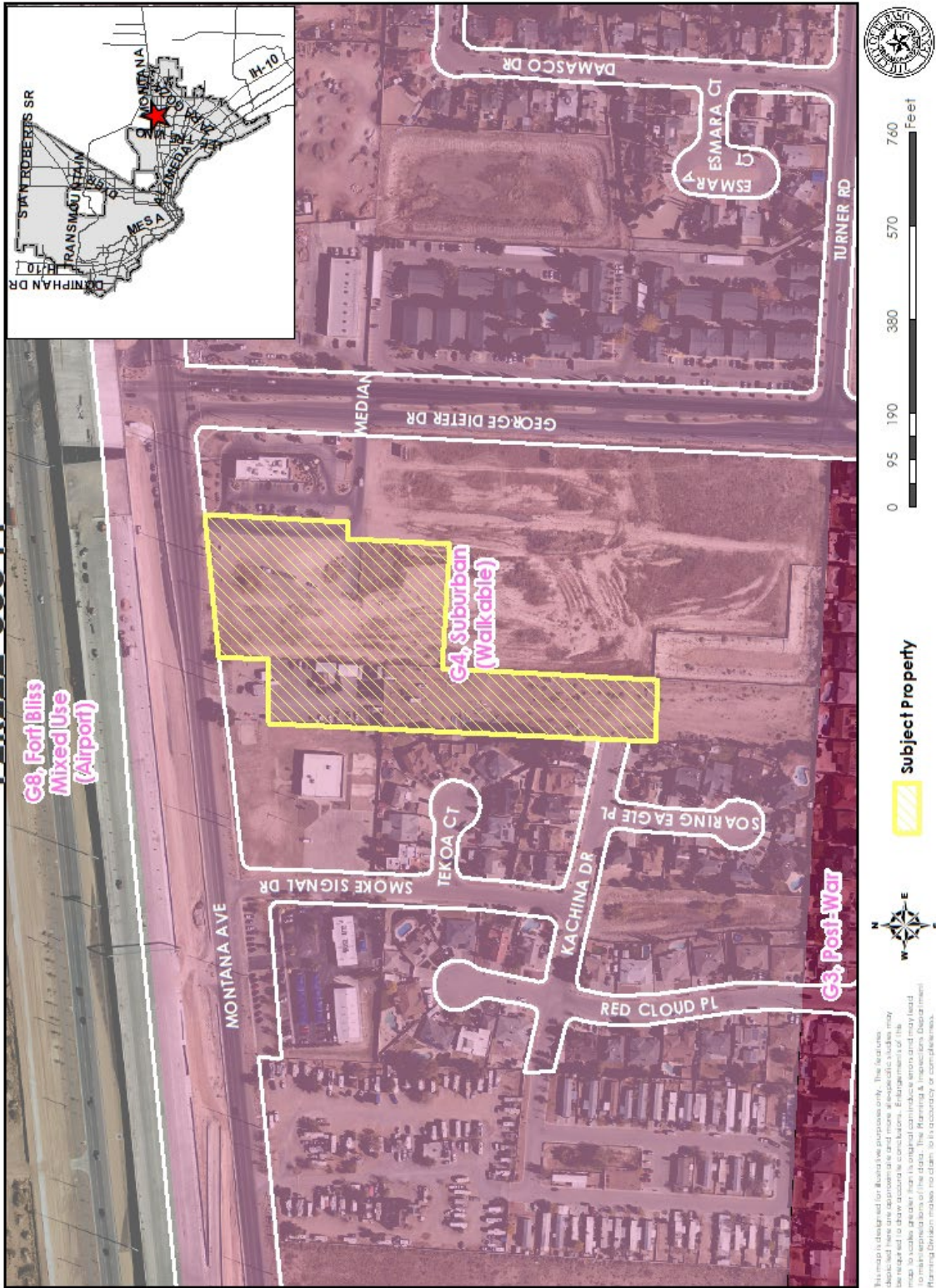
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval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

ATTACHMENTS:

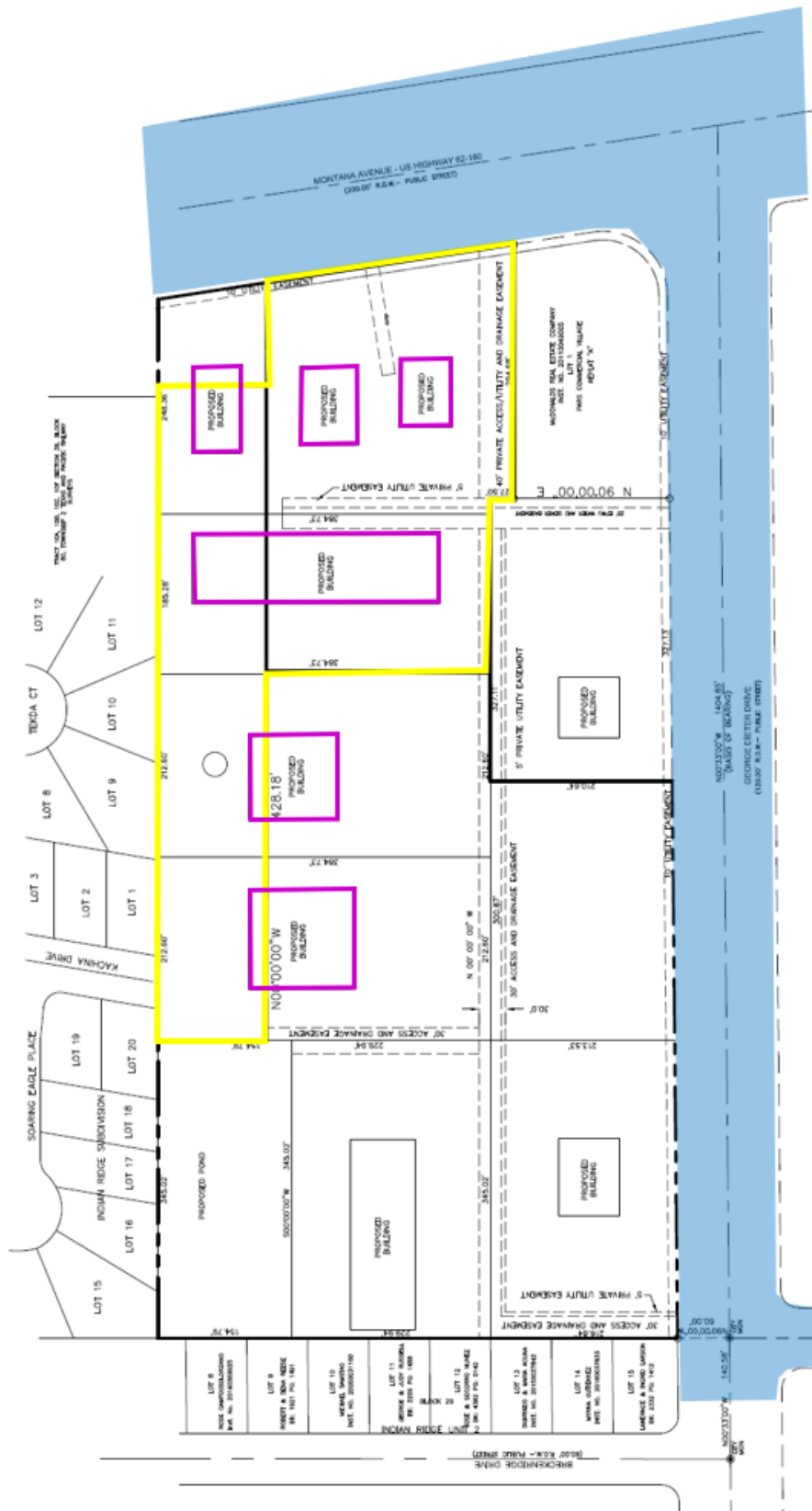
1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Ordinance No. 8850
5. Ordinance No. 15907
6. Ordinance No. 17282
7. Neighborhood Notification Boundary Map
8. Emails of Inquiry

ATTACHMENT 1

PZRZ22-00044



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request with the following conditions:

1. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits.*
2. *That a twenty-foot (20') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
3. *That no building(s) shall be constructed closer than fifty feet (50') to the property lines adjacent to residential zone districts or uses.*
4. *That ingress and egress at Kachina Drive be limited to emergency vehicles through use of a gate.*
5. *That a minimum five hundred-foot (500') distance be required between any establishments meeting both of the following criteria:*
 - a. Establishment deriving fifty-one percent (51%) or more of their income from the sale of alcoholic beverages for on-premise consumption; and
 - b. Providing outdoor amplified sound.
6. *That within twenty feet (20') from the front property line abutting Montana Avenue, no vehicular storage or display shall be allowed.*

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning.

Planning and Inspections Department – Land Development

1. Provide and label note "All existing and proposed sidewalks, barrier free ramps, handicap parking, driveway crosswalks, driveways and accessible routes shall comply with A.D.A., T.A.S. and city of El Paso requirements. Existing infrastructure not complying shall be removed and replaced to meet standards" on the plan.
2. Provide 5' concrete sidewalk on George Dieter and Montana.
3. Provide official address of the lot.
4. Coordinate and obtain approval from TxDOT (Montana).
5. Provide and label "6ft Rockwall from high side" along the proposed pond and residential area.
6. Provide complete calculations and capacity for the relocation pond.
7. Add general note to both the preliminary and final plat sheets: "The retention of all storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1)."
8. Complete drainage shall be finished in the phase I.
9. Clarify and label the zoning area to be re-zoning, proposed pond area is included?

Note: Applicant to coordinate with Land Development at time of Subdivision platting and Building permitting stages.

Fire Department

No adverse comments.

Environment Services

No comments received.

Streets and Maintenance Department

Streets and Maintenance traffic engineering has no objections to the zoning. TIA is required.

Note: TIA is deferred to Subdivision platting stage.

Sun Metro

No comments received.

El Paso Water

EPWater does not object to this request.

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

Water:

There is an existing 30-inch diameter water transmission main that extends along Montana Ave., located approximately 13.5-feet north of the southern right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 8-inch diameter water main along Montana Ave. located approximately 20 feet north of the southern right-of-way line. This main is available for service and main extension.

There is an existing 8-inch diameter water main that extends along George Dieter Dr. located approximately 43-feet east of the western right-of-way line. This main is available for service.

There is an existing 8-inch diameter water main that extends along an existing 25-foot PSB easement located approximately 319 feet south and parallel to the southern right-of-way of Montana Ave. This main dead-ends approximately 260-feet west of George Dieter Dr. This main is available for service and main extension. This main shall be extended along a PSB easement and tie into the above described 8-inch water main along Montana Ave, creating a looped system.

EPWater records indicate an active 3/4-inch water meter serving the subject property. The service address for this meter is 11248 Montana Ave.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main along an existing 25-foot PSB-water and sewer easement. This main is located approximately 309 feet south of the southern right-of-way line of Montana Ave. This main is available for main extensions and service.

General:

Water and sanitary sewer main extensions will be required. PSB easements may be required. Cost of water and sanitary sewer main extensions and easement acquisition will be at owner's expense.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the

written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the proposed PSB easement(s) 24 hours a day, seven (7) days a week.

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 – 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.

El Paso County 911 District

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

El Paso County Water Improvement District #1

The item is not within the boundaries of EPCWID1.

Texas Gas Service

TGS request the proposed 5' Utility Easements be changed to 10' Utility Easement. 5' Utility Easements is not sufficient for all utilities since all of the Utilities requires minimum clearance between each Utility.

Note: Applicant to coordinate with Texas Gas Service at time of Subdivision platting stage.

ATTACHMENT 4

008850

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF TRACT 12, SECTION 36,
BLOCK 80, TSP 2, T&PRR CO. SURVEY,
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 Tract 12, Section 36, Block 80, Tsp. 2, T&PRR Co. Survey, as more particularly described by metes and bounds in the attached Exhibits "A" and "B," be changed from R-3 (Residential) to C-1 (Commercial) (Parcel 1 - 4.09± acres) and C-3 (Parcel 2 - 5.22± acres) 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 11th day of NOVEMBER, 1986.

Jonathan W. Rogers
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

William R. Bell
Assistant City Attorney

APPROVED AS TO CONTENT:

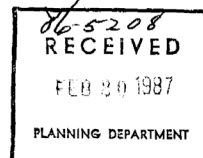
Ray Delapud
Planning Department

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 008850
by Resolution Date 11-11-86

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: L.D.
4-9-87 COUNTER
4-9-87 ORIGINAL
4-9-87 Inspection
4-9-87 CONTROL R. Bouzila

Contract 11/11/86.

008850



RESOLUTION

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

That the Mayor be authorized to sign a contract with WELLS-BELEW TRUST placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008850, which is more particularly described as a portion of Tract 12, Section 36, Block 80, Tsp. 2, T&PRR Co. Survey (11280 Montana Avenue).

ADOPTED this 11th day of NOVEMBER, 1986.

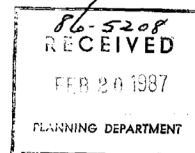
Jonathan W. Rogers
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

John B. [Signature]
Assistant City Attorney



Portion Tract 12, Section 36, Block 80, Township 2

TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS

El Paso, Texas

September 2, 1986

PARCEL TO BE ZONED C-1

Beginning at the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas:

Thence West a distance of 323.02 feet to the southwest corner of Tract 12 of said Section 36:

Thence North along the west tract line of said Tract 12 a distance of 555.00 feet:

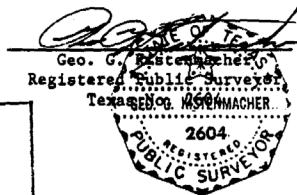
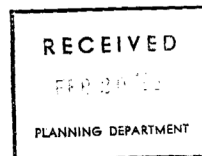
Thence North 89°-27'-00" East a distance of 317.68 feet to a point on the easterly section line of said Section 36:

Thence South 00°-33'-00" East along said easterly section line a distance of 558.08 feet to the point of beginning.

Described parcel lies within Tract 12 of said Section 36 in El Paso County, Texas and contains 178282.03 square feet equal to 4.093 acres.

86-5208

EXHIBIT "A"



#8850

PARCEL 1
FROM R-3 TO C-1
JC

Portion Tract 12, Section 36, Block 80, Township 2

TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS

El Paso, Texas

September 2, 1986

PARCEL TO BE ZONED C-3

Beginning at a point located North 00°-33'-00" West a distance of 558.08 feet from the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas:

Thence South 89°-27'-00" West a distance of 317.68 feet to a point on the west tract line of Tract 12 of said Section 36:

Thence North along west tract line a distance of 701.26 feet to a point on the southerly right-of-way line of Montana Avenue (U.S. Highway 62-180):

Thence North 81°-12'-00" East along said southerly right-of-way line a distance of 314.20 feet to a point on the easterly section line of said Section 36:

thence South 00°-33'-00" East along said easterly section line a distance of 746.31 feet to the point of beginning.

Described parcel lies within Tract 12 of said section 36 in El Paso County, Texas and contains 227413.66 square feet equal to 5.221 acres.

86-5208

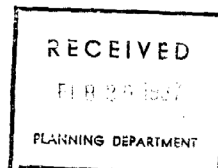
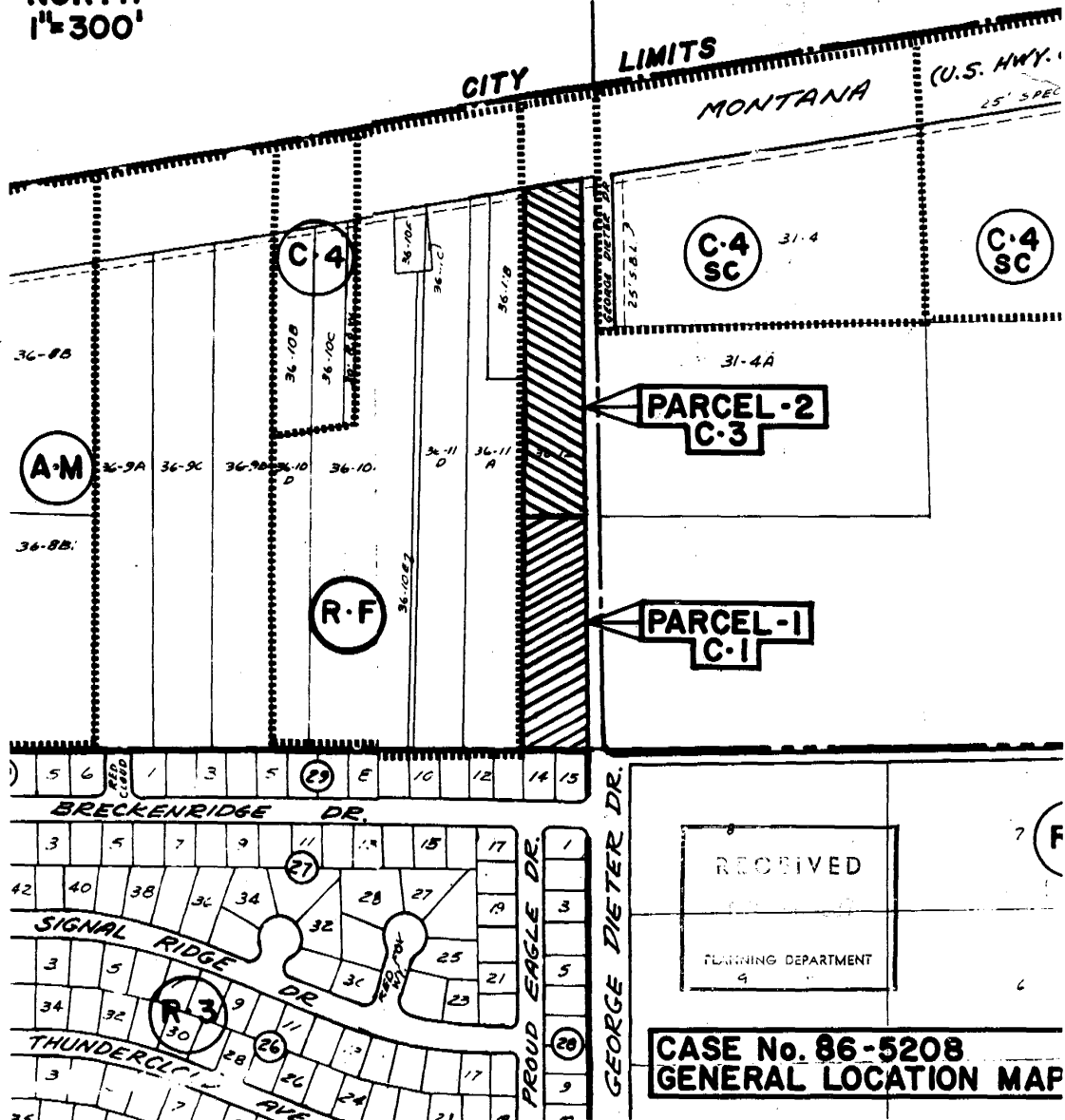


EXHIBIT "B"



#8850

PARCEL 2
FROM R-3 TO C-3
SC



THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

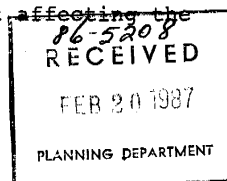
THIS CONTRACT, made this 11th day of NOVEMBER,
1986, by and between WELLS-BELEW TRUST, First Party, and the CITY OF
EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of
a portion of Tract 12, Section 36, Block 80, Tsp. 2, T&PRR Co.
Surveys, City and County of El Paso, Texas, which is more particularly
described by metes and bounds in the attached Exhibits "A" and "B,"
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-3 (Residential) to C-1 (Commercial)
(Parcel 1 - 4.09± acres) and C-3 (Parcel 2 - 5.22± acres) 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. First Party must dedicate an improved sixty (60) feet
of right-of-way to the City of El Paso for the
extension of George Dieter Drive within 18 months of
approval of the rezoning requests by the Mayor and City
Council.
2. Prior to the issuance of any building permits, a
subdivision plat must be filed of record. As part of
the subdivision improvements a sixty (60) foot wide
street must be dedicated from George Dieter Drive to
the westernmost boundary of the property and a
seventy-five (75) foot turning radius must be provided
at the George Dieter Drive/Montana Avenue interchange.
3. No building(s) can be constructed closer than fifty
(50) feet to the southern boundary line of Parcel 1.

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 discretion 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.

STATE OF TEXAS
COUNTY OF EL PASO

Sworn to before me this 3rd day of February
1987 A.D.

Gloria S. Lopez
Notary Public

GLORIA S. LOPEZ Title Trustee
Notary Public State of Texas
My Commission Expires 5-26-87

WELLS-BELEW TRUST
FIRST PARTY

By Graeme M. Keller

ATTEST:

Secretary

THE CITY OF EL PASO
SECOND PARTY

By W. K. [Signature]

Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO CONTENT:

Roy [Signature]
Planning Department

APPROVED AS TO FORM:

John [Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ____ day
of _____, 1986, by _____,
on behalf of WELLS-BELEW TRUST.

My Commission Expires:

Notary Public, State of Texas

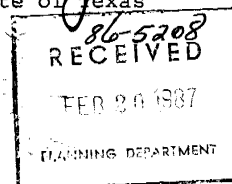
THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 13th day
of NOVEMBER, 1986, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

My Commission Expires:

04-30-88

Sharon Rodgers
Notary Public, State of Texas



Portion Tract 12, Section 36, Block 80, Township 2

TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS

El Paso, Texas

Septemner 2, 1986

PARCEL TO BE ZONED C-3

Beginning at a point located North 00°-33'-00" West a distance of 558.08 feet from the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas:

Thence South 89°-27'-00" West a distance of 317.68 feet to a point on the west tract line of Tract 12 of said Section 36:

Thence North along west tract line a distance of 701.26 feet to a point on the southerly right-of-way line of Montana Avenue (U.S. Highway 62-180):

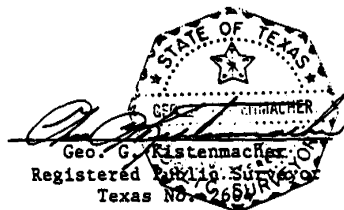
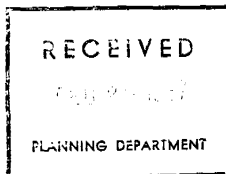
Thence North 81°-12'-00" East along said southerly right-of-way line a distance of 314.20 feet to a point on the easterly section line of said Section 36:

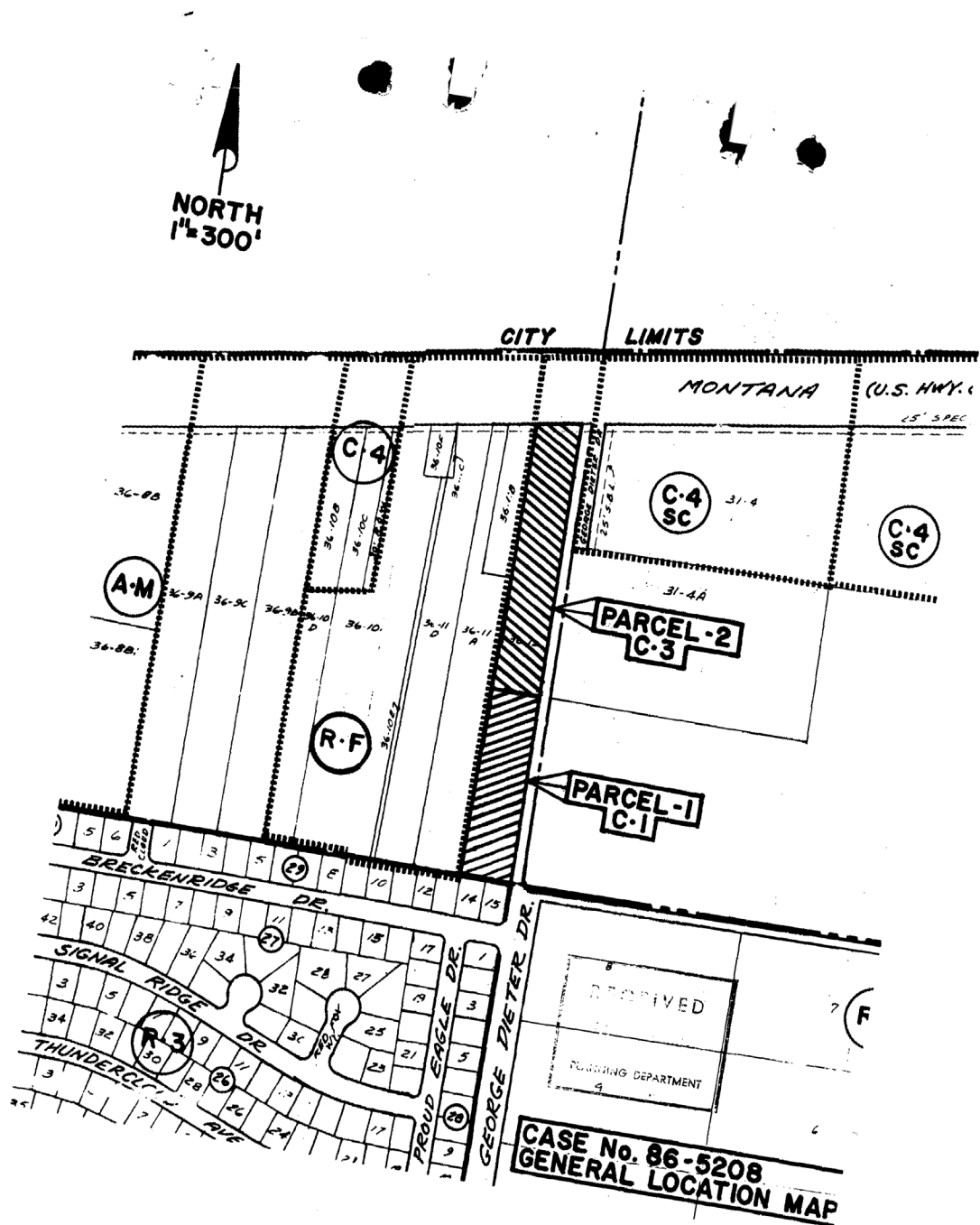
thence South 00°-33'-00" East along said easterly section line a distance of 746.31 feet to the point of beginning.

Described parcel lies within Tract 12 of said section 36 in El Paso County, Texas and contains 227413.66 square feet equal to 5.221 acres.

86-5208

EXHIBIT "B"





Portion Tract 12, Section 36, Block 80, Township 2

TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS

El Paso, Texas

September 2, 1986

^{#1}
PARCEL TO BE ZONED C-1

Beginning at the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas:

Thence West a distance of 323.02 feet to the southwest corner of Tract 12 of said Section 36:

Thence North along the west tract line of said Tract 12 a distance of 555.00 feet:

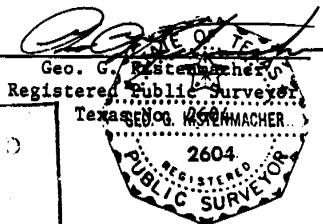
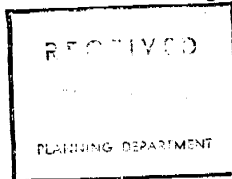
Thence North 89°-27'-00" East a distance of 317.68 feet to a point on the easterly section line of said Section 36:

Thence South 00°-33'-00" East along said easterly section line a distance of 558.08 feet to the point of beginning.

Described parcel lies within Tract 12 of said Section 36 in El Paso County, Texas and contains 178282.03 square feet equal to 4.093 acres.

86-5208

EXHIBIT "A"



ATTACHMENT 5

30E

ORDINANCE NO. 15907

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACTS 11A AND 12 AND ALL OF TRACT 11B, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND C-3/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-4 (COMMERCIAL) AND C-4/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS; PARCEL 2: A PORTION OF TRACTS 11A AND 12, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) AND C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-3 (COMMERCIAL) AND C-3/SC (COMMERCIAL/SPECIAL CONTRACT); AND PARCEL 3: A PORTION OF TRACT 11A, SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of Parcel 1: *A portion of Tracts 11A and 12 and all of Tract 11B, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-F (Ranch and Farm) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract)**; Parcel 2: *A portion of Tracts 11A and 12, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-F (Ranch and Farm) and C-1/sc (Commercial/special contract) to C-3 (Commercial) and C-3/sc (Commercial/special contract)**; and Parcel 3: *A portion of Tract 11A, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from R-F (Ranch and Farm) to C-1 (Commercial)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

3814/Planning/ORD – Zon Change – MW

1

9/1/2004

ORDINANCE NO. 15907

Zoning Case No. ZON04-00063

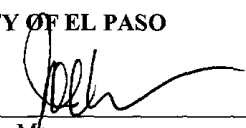
That Parcel 1 and Parcel 2 be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-F (Ranch and Farm) and C-3/sc (Commercial/special contract) to C-4 (Commercial) and C-4/sc (Commercial/special contract), in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Prior to the issuance of any building permits, a detailed site plan shall be reviewed and approved per the El Paso Municipal Code.

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 benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 28th day of September, 2004.

THE CITY OF EL PASO



Joe Wardy, Mayor

ATTEST:



Richarda Duffy Momsen, City Clerk

(additional signatures on the next page)

3814/Planning/ORD - Zon Change - MW


2

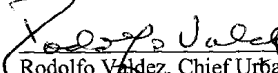
9/1/2004

ORDINANCE NO. 15907

Zoning Case No. ZON04-00063

APPROVED AS TO CONTENT:


Fred Lopez, Zoning Coordinator
Planning, Research & Development


Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:


Matt Watson, Assistant City Attorney

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2004,
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

3814/Planning/ORD - Zon Change - MW

15907

3

9/1/2004

ORDINANCE NO. _____

Zoning Case No. ZON04-00063

Being a portion of Tracts 11A and 12, and all of Tract 11B, Section 36,
Block 80, Township 2, Texas and Pacific Railroad Company Surveys
City of El Paso, El Paso County, Texas
Prepared for: John Karam
August 23, 2004
(PARCEL-1)
From C-3 & R-F to C-4

Exhibit "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 11A and 12, and all of Tract 11B, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, Thence along the easterly boundary line of said Section 36, North 00°33'00" West a distance of 773.24 feet to a point, Thence leaving said boundary line North 90°00'00" West a distance of 60.00 feet to a point on the easterly right of way line of George Dieter Drive for the "TRUE POINT OF BEGINNING".

Thence leaving said right of way line North 90°00'00" West a distance of 469.15 feet to a point on the westerly boundary line of tract 11A;

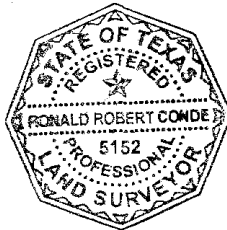
Thence along said boundary line North 00°00'00" East a distance of 450.00 feet to a point on the southerly right of way line of Montana Avenue;

Thence along said right of way line North 81°12'00" East a distance of 383.01 feet to a point of curve;

Thence 128.61 feet along the arc of a curve to the right whose radius is 75.00 feet whose interior angle is 98°15'00" whose chord bears South 49°40'30" East a distance of 113.42 feet to a point on the easterly right of way line of George Dieter Drive;

Thence along said right of way line South 00°33'00" East a distance of 435.22 feet to the "TRUE POINT OF BEGINNING" and containing in all 5.169 acres of land more or less.

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



job #304-97 R.C.
LGL-0430497.LGL

15907

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Zone 4 - 00063

Being a portion of Tracts 11A, and 12, Section 36,
Block 80, Township 2, Texas and Pacific
Railroad Company Surveys
City of El Paso, El Paso County, Texas
Prepared for: John Karam
August 23, 2004
(PARCEL-2)
From C-1 & R-F to C-3

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 11A and 12, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, Thence along easterly boundary line of said Section 36, North 00°33'00" West a distance of 400.02 feet to a point, Thence leaving said boundary line North 90°00'00" West a distance of 60.00 feet to a point on the easterly right of way line of George Dieter Drive for the "TRUE POINT OF BEGINNING".

Thence leaving said right of way line North 90°00'00" West a distance of 472.73 feet to a point on the westerly boundary line of tract 11A;

Thence along said boundary line North 00°00'00" East a distance of 373.20 feet to a point;

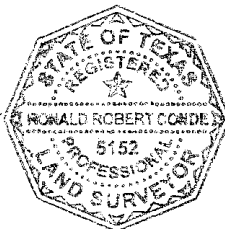
Thence leaving said boundary line South 90°00'00" East a distance of 213.55 feet to a point on the common boundary line of Tracts 11A and 12;

Thence along said boundary line South 00°00'00" West a distance of 218.20 feet to a point;

Thence leaving said boundary line North 89°27'00" East a distance of 257.68 feet to a point on the easterly right of way line of George Dieter Drive;

Thence along said right of way line South 00°33'00" East a distance of 157.48 feet to the "TRUE POINT OF BEGINNING" and containing in all 2.757 acres of land more or less.

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



job #304-97 R.C.
LGL-04/30497.LGL

15907

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being portion of Tract 11A, Section 36,
Block 80, Township 2, Texas and Pacific
Railroad Company Surveys
City of El Paso, El Paso County, Texas
Prepared for: John Karam
July 08, 2004
(PARCEL-3)
From R-F to C-1

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 11A, Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

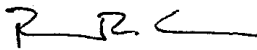
Commencing for reference at the southeast corner of Section 36, Block 80, Township 2, Texas and Pacific Railroad Company Surveys, Thence along the southerly boundary line of said Section 36, North 90°00'00" West a distance of 323.02 feet to a point for the "TRUE POINT OF BEGINNING".

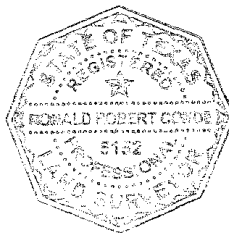
Thence continuing along the southerly boundary line of said Section 36, North 90°00'00" West a distance of 213.55 feet to a point on the boundary line between Tract 11A and 11D;

Thence along said boundary line North 00°00'00" East a distance of 400.00 feet to a point;

Thence leaving said boundary line South 90°00'00" East a distance of 213.55 feet to a point on the common boundary line between Tracts 11A and 12;

Thence along said boundary line South 00°00'00" West a distance of 400.00 feet to the "TRUE POINT OF BEGINNING" and containing in all 1.961 acres of land more or less.


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



job #30497 R.C.
LGL-04\30497.LGL

15907 **CONDE, INC.**
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

ATTACHMENT 6

CITY CLERK DEPT.
Doc# 20100014291

10
151/5

ORDINANCE NO. **017282** 10 FEB -2 PM 2:16

**AN ORDINANCE RELEASING CONDITIONS PLACED ON TRACT 12 AND 12A ,
SECTION 36, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY
COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE
PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY
CODE.**

WHEREAS, the zoning of the property described as *Tracts 12 and 12A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 8850 dated November 11, 1986; and, as more particularly described by metes and bounds on the attached Exhibit "A," incorporated by reference; and,

WHEREAS, the rezoning was subject to the following zoning conditions:

1. *First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.*
2. *Prior to the issuance of any building permits, a subdivision plat must be filed of record. As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montana Avenue interchange.*
3. *No building(s) can be constructed closer than fifty (50) feet to the southern boundary line of Parcel 1.*

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

WHEREAS, the owner (applicant) submitted an application requesting to release all of Condition No. 1 and the second sentence of Condition No. 2. The first sentence of Condition No. 2 and all of Condition No. 3 will remain on the above described property; and,

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

WHEREAS, the City Council of the City of El Paso has determined that the release of the above conditions will protect the best interest, health, safety, and welfare of the public in general.

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

That the following zoning conditions imposed by Ordinance No. 8850 dated November 11, 1986 be released because the conditions are no longer necessary.

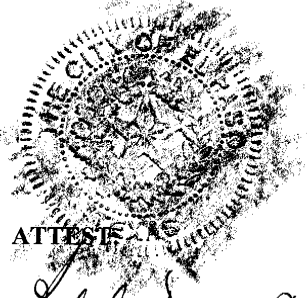
#53861 v1 Planning/ORD/ZON09-00079/Zoning Condition Release
ORDINANCE NO. 017282

Document Author: LCUE
ZON09-00079

1. *First Party must dedicate an improved sixty (60) feet of right-of-way to the City of El Paso for the extension of George Dieter Drive within 18 months of approval of the rezoning requests by the Mayor and City Council.*
2. *As part of the subdivision improvements a sixty (60) foot wide street must be dedicated from George Dieter Drive to the westernmost boundary of the property and a seventy-five (75) foot turning radius must be provided at the George Dieter Drive/Montana Avenue interchange.*

That the remaining conditions imposed by Ordinance No. 8850 dated November 11, 1986 remain in full force and effect.

PASSED AND APPROVED this 2nd day of March, 2010.



ATTEST:

Richarda Duffy Momen
Richarda Duffy Momen
City Clerk

THE CITY OF EL PASO

John F. Cook
John F. Cook
Mayor

APPROVED AS TO FORM:

Lupe Cuellar
Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy
Mathew S. McElroy
Deputy Director – Planning
Development Services Department

#53861 v1 Planning/ORD/ZON09-00079/Zoning Condition Release
ORDINANCE NO. 017282

Document Author: LCUE
ZON09-00079

Exhibit "A"

Being all of Tracts 12 and 12A,
Section 36, Block 80, Township 2,
Texas and Pacific Railway Company Surveys,
City of El Paso, El Paso County, Texas
October 28, 2009

METES AND BOUNDS DESCRIPTION

Exhibit "A"

FIELD NOTE DESCRIPTION of Tracts 12 and 12A, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at the common section corner of Sections 31, 36, 37 and 42, Section 36, Block 80, Township 2, Texas and Pacific Railway Company Surveys and being the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said section corner and along common section line of Sections 36 and 37, North 90°00'00" West, a distance of 323.02 feet to a point;

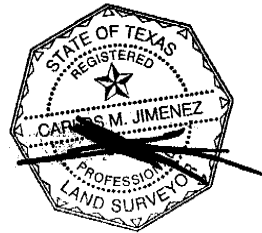
THENCE, leaving said common section line, North 00°00'00" West, a distance of 1256.24 feet to a point;

THENCE, North 81°12'00" East, a distance of 314.20 feet to a point;

THENCE, South 00°33'00" East, a distance of 1304.39 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 405,701.96 square feet or 9.3136 acres of land more or less.

Carlos M. Jiménez
Registered Professional Land Surveyor
Texas No. 3950

CAD Consulting Co.
1790 Lee Trevino Drive, Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2009\Pars Zoning.wpd



017282

SCANNED

Doc# 20100014291
#Pages 5 #NFPages 1
3/5/2010 9:42:22 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$32.00

6

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



Delia Briones

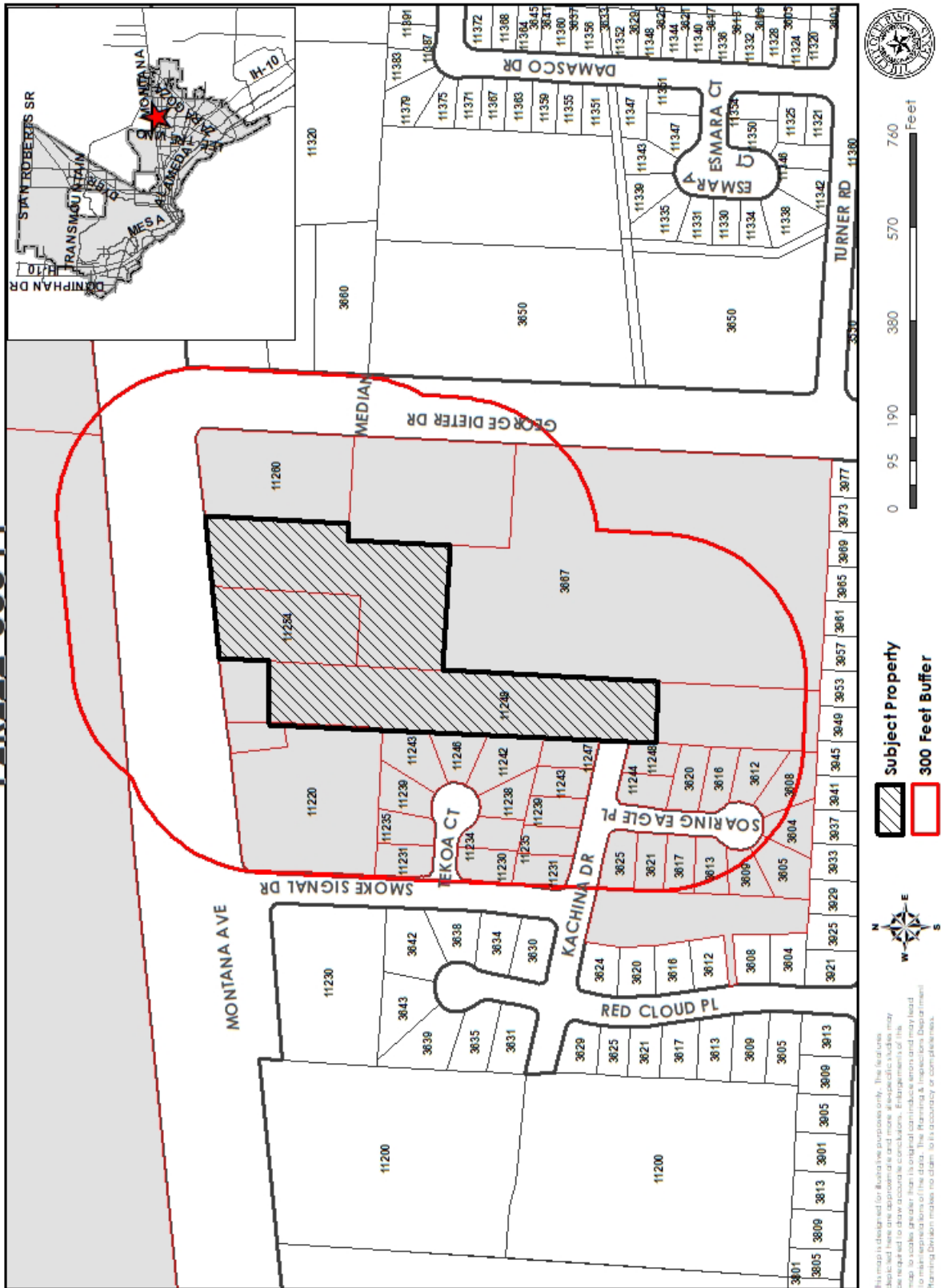
EL PASO COUNTY, TEXAS

Please return to Drawer 151
CITY CLERK'S OFFICE
2 Civic Center Plaza
El Paso, TX 79901-1196

015585

ATTACHMENT 7

PZR22-00044



ATTACHMENT 8

Salloum, Andrew M.

From: Salloum, Andrew M.
Sent: Wednesday, March 29, 2023 4:03 PM
To: Lamar Rogers
Subject: RE: City Plan Commission Public Notice

Good afternoon Mr. Rogers,

Thank you for your email.

In regards to the public notice requirements, the 300 foot boundary is an established El Paso City Code requirement for all rezoning requests. This is to let the neighboring residents know what is going on with the subject property.

The applicant is requesting to rezone from R-F (Ranch and Farm) and C-1 (Commercial) to C-3 (Commercial) to clean up the split zone and to be able to match the current C-3 zone district for their future shopping center development to the east.

The new development will not touch or demolish your property and the other neighboring properties.

We will be recommending to add the following conditions:

- That ingress and egress at Kachina Drive be limited to emergency vehicles only.
- That no building(s) shall be constructed closer than fifty feet (50') to the property lines adjacent to residential.
- That a twenty-foot (20') landscaped buffer with high-profile native or naturalized trees along the property lines adjacent to residential.

Cordially,

Andrew Salloum | Senior Planner

P: 915.212.1603

A: 801 Texas Ave. El Paso, TX 79901

E: SalloumAM@elpasotexas.gov

ElPasoTexas.gov | [Take Our Survey](#)



Planning & Inspections Department
City of El Paso

From: Lamar Rogers <a6m9ll@gmail.com>

Sent: Wednesday, March 29, 2023 9:42 AM

To: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>

Subject: City Plan Commission Public Notice

To Whom it May Concern,

I'm writing in regard to getting clarity of a notice I received in the mail in regard to a request to change zone for case PZR22-00044. My address is 11235 Kachina El Paso Tx 77936.

There is a proposed shopping center in vacant property adjacent to my street or home (shaded area). My question initially is what effect will the cause in the neighborhood have?

Will any homes in the red buffer area need to be demolished?

Concern home owner ,

Jason Rogers

Salloum, Andrew M.

From: Salloum, Andrew M.
Sent: Monday, April 3, 2023 12:14 PM
To: Joanne D'Amico
Subject: FW: Case PZRZ22-00044- zoning change request

Expires: Saturday, September 30, 2023 12:00 AM

Good afternoon Ms. D'Amico,

Please see the applicants' responses to your questions below. Thank you.

Cordially,

Andrew Salloum | Senior Planner

P: 915.212.1603

A: 801 Texas Ave. El Paso, TX 79901

E: SalloumAM@elpasotexas.gov

ElPasoTexas.gov | [Take Our Survey](#)



Planning & Inspections Department
City of El Paso

From: broker@teamjuanuribe.com <broker@teamjuanuribe.com>

Sent: Monday, April 3, 2023 9:24 AM

To: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>; 'Enrique Rey' <rey1942@msn.com>

Cc: abdolkarim1339karim@gmail.com; karim1339karim@aol.com; fabian@teamjuanuribe.com; Garcia, Raul <GarciaR1@elpasotexas.gov>; Zamora, Luis F. <ZamoraLF@elpasotexas.gov>

Subject: RE: Case PZRZ22-00044- zoning change request

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

Good morning Andrew,

The answer to Mrs. D'Amico is, at this point, we have 3 restaurants going on Montana. One is Dutch Bros, Taco Bell and perhaps a Chili's. On the second row of buildings from Montana, we have a two-story climate controlled self storage facility, we have a car wash next to McDonald's. On the back of the property, close to your house we will have the ponding area and the street will not be open all the way to George Dieter, so you will not have to worry about ingress/egressing traffic. We do have 2 doctors looking at the property but they have not committed.

We are not doing a shopping center at least for now. Looks more like a doctor's office fronting Montana. We are still looking to see who else would be interested.

we are not looking for bars, since they create problems for other tenants.

The hours of operation, we do not know, it is up to whoever purchases the property.

The lighting is up to whoever purchases the property. We will have a landscaping buffer between the houses.

I can guarantee you that this would be much nicer than the previous owner's who had junk, mechanic car sales and animals on the property.

I can guarantee you that our development is not going to increase the traffic, it is only merely servicing all the neighbors who need self storage, restaurants, and car wash service.

Thank you,

From: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>
Sent: Monday, April 3, 2023 8:40 AM
To: broker@teamjuanuribe.com; 'Enrique Rey' <reye1942@msn.com>
Cc: abdolkarim1339karim@gmail.com; karim1339karim@aol.com; fabian@teamjuanuribe.com; Garcia, Raul <GarciaR1@elpasotexas.gov>; Zamora, Luis F. <ZamoraLF@elpasotexas.gov>
Subject: FW: Case PZR22-00044- zoning change request

Good morning,

Please respond to the neighboring resident's questions below if possible prior to CPC, April 6, 2023. Thank you.

Cordially,

Andrew Salloum | Senior Planner

P: 915.212.1603

A: 801 Texas Ave. El Paso, TX 79901

E: SalloumAM@elpasotexas.gov

ElPasoTexas.gov | [Take Our Survey](#)



Planning & Inspections Department
City of El Paso

From: Joanne DAmico <damicojt@yahoo.com>
Sent: Sunday, April 2, 2023 8:12 PM

To: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>
Subject: Case PZRZ22-00044- zoning change request

You don't often get email from damicojt@yahoo.com. [Learn why this is important](#)

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Attn: City Plan Commission

Re: Case: PZRZ22-00044 Zoning Change request to allow for a shopping center

I am a homeowner at 11243 Kachina Drive, El Paso, TX 79936.
Joanne T. D'Amico , Lillian D. D'Amico co-owner.

I have questions and concerns regarding the potential shopping center. While I can appreciate that the property owner has a right to develop their property, as a homeowner in the vicinity I plan to attend the hearing to learn what the plans are and what the potential impacts to our neighborhood may be. My home, purchased in 2008, is one house away from the 11248 Montana Ave. tract, at the west property line.

Based on the acreage of the three identified tracts, the development of a shopping center appears to be in the category of shopping center neighborhood under Code 20.0.0.2.868.

What is the GFA or GLA (gross lease-able area) of the intended shopping center?

What type of retail establishments will the space(s) be marketed to?

What is the estimated trip generation once the center is leased?

What will the hours of operation be?

What is the type of lighting and planned height of the light-posts?

As C-3 zoning building height limit is 35 feet, what is the planned height of the building(s) for development?

Traffic on what is now Montana Ave. frontage road east bound, and George Dieter Drive Northbound and Southbound has increased during the years since we moved here, largely due to the development that has taken place in Far East El Paso in the Montana Ave. vicinity. The intersection of George Dieter Drive and Montana Ave. are currently very busy with a McDonald's on the west corner and Circle K gas station at the east corner. Impacts from increased traffic resulting from additional retail development at this location on George Dieter Drive must be considered in your decision. Kachina Drive has only two outlets, Smoke Signal onto Montana East , and Red Cloud to Breckenridge. I frequently witness drivers apparently looking for an outlet, turning around on our dead end street. Arvey Park Mobile homes is closed to through traffic. Retail development that does not fit the neighborhood will have a detrimental effect on the character of the neighborhood, and potentially lower property values.

Sincerely,
Joanne T. D'Amico
11243 Kachina Dr.
El Paso, TX 79936