

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

**DEPARTMENT:** Planning and Inspections Department, Planning Division

**AGENDA DATE:** Introduction: April 21, 2015  
Public Hearing: May 12, 2015

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

An Ordinance releasing all conditions placed on Parcel 1 by Ordinance No. 14596 and 16499 which changed the zoning of Lot 1, Block 1, Medano Heights Replat A, 5720 Desert North Boulevard, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5720 Desert North Boulevard. Property Owner: E.P. Summit Investments, L.P. PZCR15-00001 (**District 1**)

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (7-0)

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

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Mathew S. McElroy  
Director, Planning and Inspections Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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

**AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 14596 AND 16499 WHICH CHANGED THE ZONING OF LOT 1, BLOCK 1, MEDANO HEIGHTS REPLAT A, 5720 DESERT NORTH BOULEVARD, 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 described as *Lot 1, Block 1, Medano Heights Replat A, 5720 Desert North Boulevard, City of El Paso, El Paso County, Texas*, was rezoned by Ordinance No. 14596 as approved by City Council on August 22, 2000 and Ordinance No. 16499 as approved by City Council on November 14, 2006; and

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

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

**WHEREAS**, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied and are no longer necessary, or are current requirement of the City Code; and,

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

**WHEREAS**, the City Council of the City of El Paso has determined that the release of all 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:**

1. That all of the zoning conditions imposed by *Ordinance No. 14596* as approved by City Council on *August 22, 2000*, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

*Conditions to be released are identified in Exhibit "A."*

2. That all of the zoning conditions imposed by *Ordinance No. 16499* as approved by City Council on *November 14, 2006*, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

*Conditions to be released are identified in Exhibit "B."*

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

PZCR15-00001

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**THE CITY OF EL PASO**

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

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Mathew S. McElroy, Director  
Planning & Inspections Department

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

**PZCR15-00001**

EXHIBIT A

ORDINANCE NO. 014596

AN ORDINANCE CHANGING THE ZONING OF TRACT 13A, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (5900 BLOCK OF NORTH DESERT BOULEVARD) FROM R-3 (RESIDENTIAL) TO C-3/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 13A, 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 Exhibit "A", be changed **from R-3 (Residential) to C-3/c (Commercial/conditions)** within the meaning of the zoning ordinance, 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 C-3/c (Commercial/conditions)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. 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.
2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY 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.
3. A minimum of twenty-foot (20') building setback along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of a building permit or certificate of occupancy.
4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY 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. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.
5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.
6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.
7. Construction of a six-foot (6') high masonry screening wall along the southerly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY*

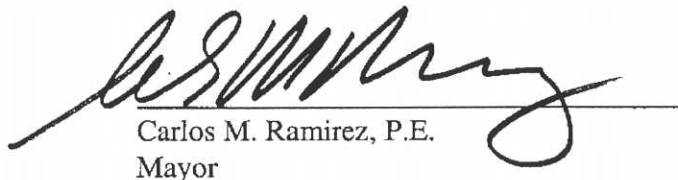
NO. 266 along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of *THREE HILLS ADDITION*, shall be required prior to the issuance of certificates of occupancy.

8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.

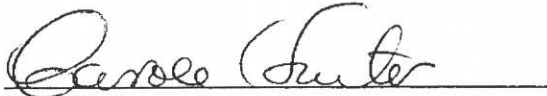
These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or 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 22nd day of August, 2000.


THE CITY OF EL PASO

  
Carlos M. Ramirez, P.E.  
Mayor

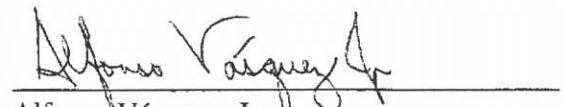
ATTEST:

  
Carole Hunter  
City Clerk

APPROVED AS TO FORM:

  
Carolyn J. Celum  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(Acknowledgment on following page)

ACKNOWLEDGMENT

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

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

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

\_\_\_\_\_  
My Commission Expires:  
\_\_\_\_\_

EXHIBIT "A"

The following portions of the S. A. & M. G. R. R. COMPANY SURVEY 266 in El Paso County, Texas, described by metes and bounds as follows, to-wit:

BEGINNING at the Northeast corner of said survey No. 266; THENCE South 2640.09 feet and West 1320.0 feet to the true beginning point and Northeast corner of this tract being described; THENCE from said true beginning point, South 918.17 feet to a point on the Northerly line of Medano Road; THENCE North 76 deg. 38' West 216.77 feet along the Northerly line of said Medano Road to a point of curve; THENCE along the curve to the left, said curve has a central angle of 38 deg. 47', a radius of 314.09', a tangent of 110.56', and a long chord bearing South 83 deg. 58' 30" West 207.47 feet to the end of said curve; THENCE South 64 deg. 35' West 513.03 feet to the point of curve, THENCE along a curve to the left, said curve has a central angle of 3 deg. 05', a radius of 954.77', a tangent of 25.70', and a long chord bearing South 63 deg. 02' 30" West 51.38 feet to a point on the Easterly (Ely) line of U.S. Highway Interstate No. 10; THENCE Northerly along the Easterly line of said U.S. Highway Interstate No. 10 the following courses and distances:

North 11 deg. 46' 30" West 478.04'; North 4 deg. 40' West 201.56' and North 11 deg. 47' 30" West 474.45' to a point;

THENCE East 1137.31' to the place of beginning, containing 22.998 acres of land, more or less, according to Field Notes and Survey prepared by Frank S. Cock, Public Survey of State of Texas, Nov. 6, 1959.

Subject to Mineral Reservation to the State of Texas recorded in Volume 727 at page 483; easement to the El Paso Electric Railway Co. at Volume 440 page 349; easement to the El Paso Electric Co. at Volume 447 page 173; and easement to El Paso Electric Co. at Volume 533 page 316 Deed records of El Paso County, Texas.

Exhibit "A"

EXHIBIT B

ORDINANCE NO. 016499

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 13A, S.A. AND M.G. RAILROAD COMPANY SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-5/C (RESIDENTIAL/CONDITIONS) TO C-3/C (COMMERCIAL/CONDITIONS) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of a *portion of Tract 13A, S.A. and M.G. Railroad Company Survey No. 266, 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-5/c (Residential/conditions) to C-3/c (Commercial/conditions), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

Further, 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, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. 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.

2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line abutting any residential zone 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.

3. A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.

4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone 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. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.

5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.

6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.

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7. That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property line abutting any residential zone, prior to the issuance of a certificate of occupancy.

8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.

PASSED AND APPROVED this 14 day of NOVEMBER, 2006.

THE CITY OF EL PASO

*John F. Cook*

John F. Cook  
Mayor

ATTEST:

*Richarda Duffy Momsen*

Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

*H. S. McGinness*

Hillary S. McGinness  
Assistant City Attorney

APPROVED AS TO CONTENT:

*Rodolfo Valdez*

Rodolfo Valdez, Chief Urban Planner  
Development Services Department

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Doc#25596/Planning/ORD/Rezoning/Zon06-00108/HMCG

CITY CLERK DEPT.

ORDINANCE NO. 016499

Zoning Case No: ZON06-00108

Property Description: Portion of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266, EL Paso, EL Paso County, Texas.

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a portion of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266, EL Paso, EL Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Southwestern Drive (60' right-of-way) and Tuscarora Drive (60' right-of-way); Thence, North 89° 54' 54" West, along the centerline of Tuscarora Drive, a distance of 150.00 feet to a point lying on the common boundary line between Scenic Heights and Tract 13A, S. A. and M. G. Survey No. 266 to a point; Thence, North 00° 05' 06" East, along said boundary line, a distance of 405.00 feet to a point lying on the common boundary line of Tract 13A, S.A. and M.G. Survey No. 266 and West Hills Unit Twenty Two; Thence, North 89° 54' 54" West, along said boundary line, a distance of 678.82 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, South 11° 44' 42" East, a distance of 942.93 feet to a point;

THENCE, South 64° 40' 06" West, a distance of 64.66 feet to a point;

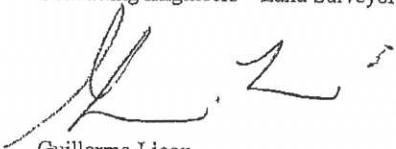
THENCE, North 11° 44' 42" West, a distance of 971.29 feet to a point;

THENCE, South 89° 54' 54" East, a distance of 64.21 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 1.381 acres (60,154 sq. ft.) of land more or less.

A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,  
Consulting Engineers—Land Surveyors



Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998

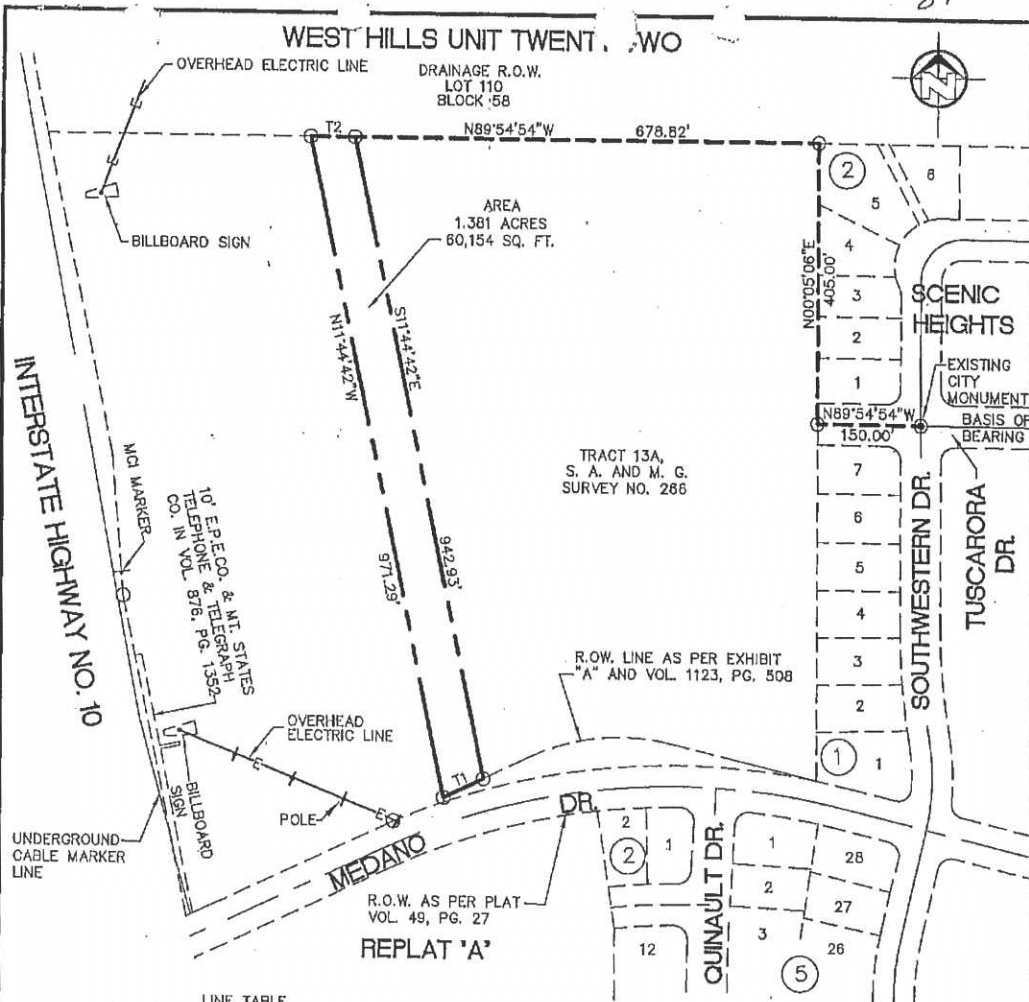


May 26, 2006  
Job Number 09-05-2379

**Exhibit "A"**

Page 1 of 2  
M&B/1304

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LINE TABLE

TANGENT	BEARING	DISTANCE
T1	S84°40'06"W	64.66'
T2	S89°54'54"E	64.21'

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 480214 0021 D, DATED JANUARY 3 5, 1997, THIS PROPERTY LIES IN FLOOD ZONE C.  
 ZONE C AREAS OF MINIMAL FLOODING.  
 DUE TO INHERENT INACCURACIES OF FEMA OR FLOOD INSURANCE RATE MAPS THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF LOCATIONS BASED ON SUCH MAPS. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

NOTE: UNABLE TO SHOW LOCATION OF EL PASO ELECTRIC CO. EASEMENTS RECORDED IN VOL. 440, PG. 349 AND VOL. 447, PG. 173.  
 EASEMENT ARE GENERALLY DESCRIBED AS BEING IN S.A. & M.G. SURVEY NO. 266.  
 SET 1/2" IRON WITH SLI CAP ON ALL PROPERTY CORNERS UNLESS OTHERWISE INDICATED.  
 A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT OF SURVEY.

Copyright 2006 SLI Engineering, Inc.

This map and survey are being provided solely for the use of Housing Authority of El Paso and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon August 15, 2006.

NOTE:  
 ALL INFORMATION SHOWN HEREON WITH RESPECT TO UNDERGROUND CONDITIONS, WAS DETERMINED BY DATA COLLECTED THROUGH SURVEY CREW OBSERVATION AND OTHER INFORMATION TAKEN FROM EXISTING PLANS AND MAPS OF RECORD. NO UNDERGROUND UTILITIES EXISTING OR ABANDONED WERE EXPOSED OR LOCATED.

UNLESS SPECIFICALLY ACCEPTED BY SLI ENGINEERING, INC. IN WRITING, SLI ENGINEERING, INC. MAKES NO CLAIM, EXPRESSED OR IMPLIED, AS TO THE UNDERGROUND SITE CONDITIONS.



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016499

PLAT OF SURVEY	
<p>SLI ENGINEERING, INC.                  CIVIL ENGINEERS                  LAND SURVEYORS                  LAND PLANNERS                  6600 WESTWIND DRIVE                  EL PASO, TEXAS 79912                  916-884-4457</p>	<p>A PORTION OF TRACT 13A,                  S.A. AND M.G. RAILROAD                  COMPANY SURVEY NO. 266,                  EL PASO, EL PASO COUNTY,                  TEXAS</p>
<p>JOB #: 09-05-2379 DR. BY: AFV/AMC                  SCALE: 1"=200' F.B. #: 1028                  DATE: 08/15/2006 DWG.: Parcel-5a.dwg</p>	<p>CERTIFICATION                  I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p><i>Guillermo Licon</i>                  GUILLERMO LICON, R.P.L.S.                  REGISTERED PROFESSIONAL LAND SURVEYOR                  TEXAS LICENSE NO. 2998</p>

## MEMORANDUM

**DATE:** April 13, 2015

**TO:** The Honorable Mayor and City Council  
Tommy Gonzalez, City Manager

**FROM:** Andrew Salloum, Planner

**SUBJECT: PZCR15-00001**

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The City Plan Commission (CPC) on March 26, 2015, voted 7-0 to recommend **APPROVAL** of the release of all conditions placed on the property by Ordinance No. 014596, dated August 22, 2000 and No. 16499, dated November 14, 2006. The conditions imposed by the rezoning conditions are either current code requirements, are no longer applicable, or have been satisfied. The proposed use shall comply with all of the El Paso City Code requirement prior to the issuance of a certificate of occupancy.

The CPC found that the condition release is in conformance with Plan El Paso. The CPC also determined that the condition release protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the condition release will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any phone calls or letters in support or opposition to the request.

**Property Owner:** E.P. Summit Investments, L. P.  
**Representative:** SLI Engineering, Inc.

**Attachments:**  
Staff Report



## *City of El Paso – City Plan Commission Staff Report*

**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** March 26, 2015  
**Staff Planner:** Andrew Salloum, 915-212-1613, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 5720 Desert North Boulevard  
**Legal Description:** Lot 1, Block 1, Medano Heights Replat A, City of El Paso, El Paso County, Texas  
**Acreage:** 4.37 acres  
**Rep District:** 1  
**Zoning:** C-3/c (Commercial/conditions)  
**Existing Use:** Vacant  
**C/SC/SP/ZBA/LNC:** Conditions: Ordinance No. 014596, dated August 22, 2000, (Attachment 4)  
Conditions: Ordinance No. 16499, dated November 14, 2006, (Attachment 5)  
**Request:** To release all conditions  
**Proposed Use:** Commercial Development

**Property Owner:** E.P. Summit Investments, L. P.  
**Representative:** SLI Engineering, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-5 (Residential) / Vacant  
**South:** C-3/c (Commercial/conditions) / Retail  
**East:** S-D/c (Special Development/conditions) / Vacant  
**West:** M-1 (Manufacturing) / Automobile Dealership Lot / Interstate-10

**PLAN EL PASO DESIGNATION:** G-4, Suburban (Walkable) (Northwest Planning Area)  
**NEAREST PARK:** Artcraft Commercial #2 Park (6,150 feet)  
**NEAREST SCHOOL:** Hut Brown Elementary (4,317 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association  
Upper Mesa Hills Neighborhood Association  
Coronado Neighborhood Association  
Upper Valley Neighborhood Association  
Save the Valley

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on March 11, 2015. The Planning Division has not received any phone calls or letters in support or opposition to the request.

### **CASE HISTORY**

On August 22, 2000, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 014596 (see Attachment 4) as follows:

1. *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.*  
Condition #1 is no longer necessary as the subject property is adjacent to a major arterial frontage

street Desert North Boulevard and Interstate-10, which is required to comply with screening and landscaping.

2. *Construction of an eight-foot (8') high masonry screening wall along the easterly property line 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.*

Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property; therefore this condition has been satisfied.

3. *A minimum of twenty-foot (20') building setback along the easterly property line shall be required prior to the issuance of a building permit or certificate of occupancy.*

Condition #3 is no longer necessary as the adjacent proposed apartment complex and any proposed development to the east of the subject property are subject to current density and dimensional standards.

4. *Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code. The landscaping shall be included within the required twenty-foot building setback along easterly property line.*

Condition #4, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

5. *The maximum height of any building or structure within the subject property shall not exceed one story.*

Condition #5 is no longer necessary as any addition to height will serve to screen the surrounding development.

6. *Access from Tuscarora Avenue shall be prohibited.*

Condition #6 does not apply to the subject property as Tuscarora Avenue is not adjacent the subject property.

7. *Construction of a six-foot high masonry screening wall along the southerly property line along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of Three Hills Addition, shall be required prior to the issuance of certificate.*

Condition #7 is no longer necessary as the condition has been satisfied and is a current requirement.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10.

On November 14, 2006, City Council approved the rezoning request for the subject property from R-5/c (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 016499 (see Attachment 5) as follows:

1. *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.*

Condition #1 is no longer necessary because the subject property is adjacent to the arterial frontage street Desert North Boulevard and Interstate-10 and a future developed apartment complex to the east of the subject property.

2. *Construction of an eight-foot (8') high masonry screening wall along the easterly property line 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.*

Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property.

3. *A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.*

Condition #3 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.

4. *Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.*

Condition #4, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

5. *The maximum height of any building or structure within the subject property shall not exceed one (1) story.*

Condition #5 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.

6. *Access to Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, from and onto Tuscarora Avenue, shall be prohibited.*

Condition #6 is no longer necessary because it is not adjacent the subject property.

7. *That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property lie abutting any residential zone, prior to the issuance of a certificate of occupancy.*

Condition #7, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10 with no access to any residential development.

#### **APPLICATION DESCRIPTION**

The applicant is requesting to release all conditions imposed on the property by Ordinance No. 014596, dated August 22, 2000, (see Attachment #4) and No. 16499, dated November 14, 2006, (see Attachment #5). The conditions imposed by the rezoning conditions are either current code requirements, are no longer applicable, or have been satisfied. The proposed use shall comply with the all El Paso City Code requirement prior to the issuance of a certificate of occupancy.

#### **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the condition release request, as the conditions are either current code requirements, are no longer necessary or have been satisfied.

#### **Plan El Paso- Future Land Use Map Designation**

All applications for a condition release review shall demonstrate compliance with the following criteria:

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.

The purpose of the C-3 (Commercial) 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.

#### **COMMENTS:**

##### **Planning Division - Transportation**

No objections to the conditions release.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

##### **City Development Department – Building and Development Permitting**

BP & I has reviewed and no objections to proposed conditions release.

##### **City Development Department – Landscape Division**

Landscape Division has reviewed and no objections to proposed conditions release.

**City Development Department - Land Development**

No objections.

**Fire Department**

Recommended approval.

**Police Department**

Have no concerns or issues with this site or application to report.

**El Paso Water Utilities**

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing 16-inch diameter water main along Desert North Boulevard fronting the subject property. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

3. There is an existing 8-inch diameter water main along Picacho Hills Court fronting the subject property. This main is available for service.

4. Previous water pressure readings from fire hydrant number 10484 on Picacho Hills Court approximately 200-feet east of Desert North Boulevard have yielded a static pressure of 132 pounds per square inch (psi), residual pressure of 124 psi and a discharge of 1186 gallons per minute (gpm).

5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 8-inch diameter sewer main along Picacho Hills Court fronting the subject property. This main is available for service.

General:

7. EPWU requires a new service application to provide service to the property. 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 EPWU – 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.

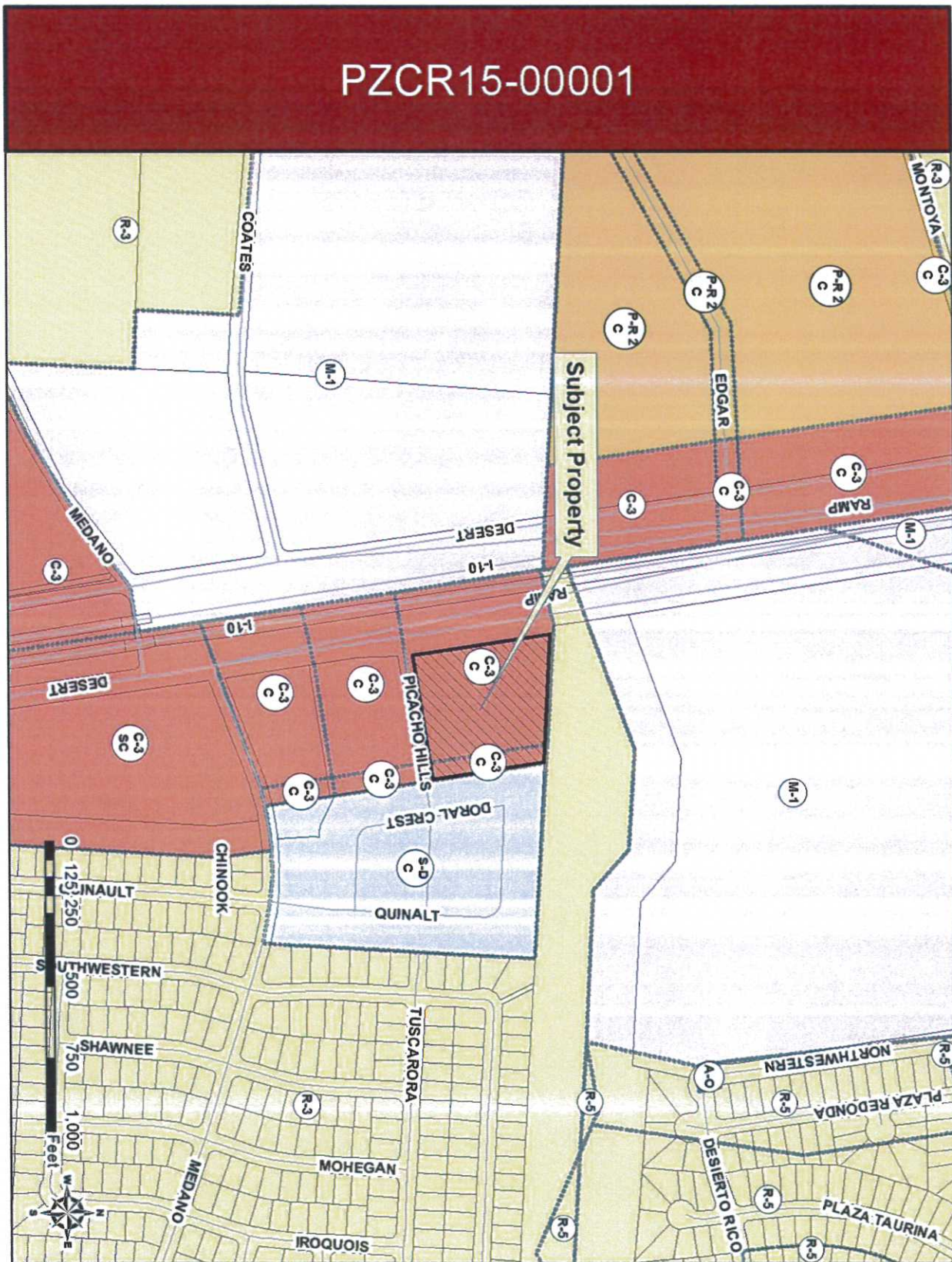
**El Paso Water Utilities - Stormwater Division**

No Objections.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Conceptual Site Plan
4. Ordinance No. 014596, dated August 22, 2000
5. Ordinance No. 16499, dated November 14, 2006

ATTACHMENT 1: ZONING MAP

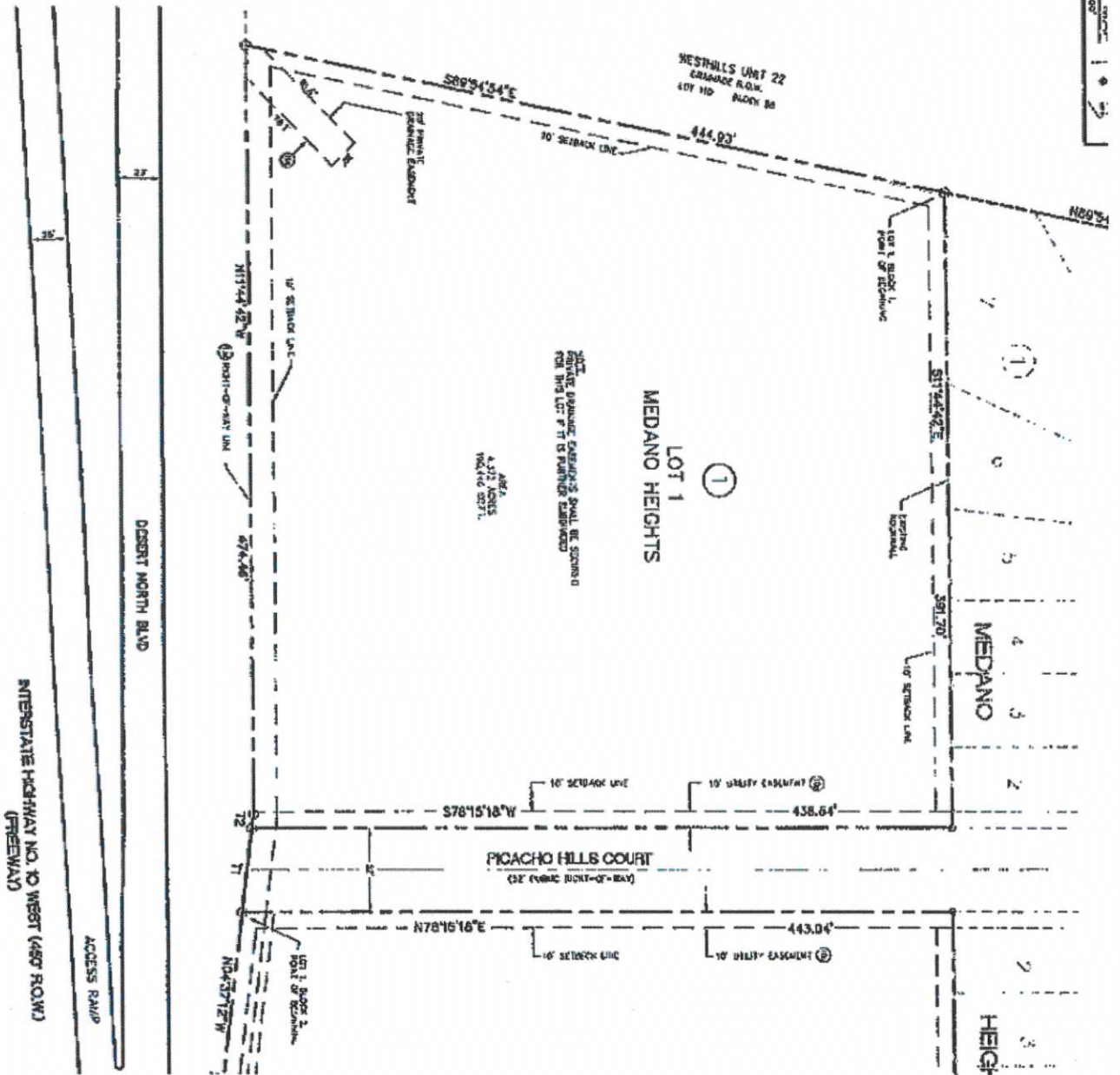


ATTACHMENT 2: AERIAL MAP

PZCR15-00001



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



ATTACHMENT 4: ORDINANCE NO. 014596, DATED AUGUST 22, 2000

ORDINANCE NO. 014596

AN ORDINANCE CHANGING THE ZONING OF TRACT 13A, S. A. & M. G. SURVEY NO. 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS (5900 BLOCK OF NORTH DESERT BOULEVARD) FROM R-3 (RESIDENTIAL) TO C-3/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 13A, 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 Exhibit "A", be changed from R-3 (Residential) to C-3/c (Commercial/conditions) within the meaning of the zoning ordinance, 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 C-3/c (Commercial/conditions), in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. 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.

2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY 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.

3. A minimum of twenty-foot (20') building setback along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, shall be required prior to the issuance of a building permit or certificate of occupancy.

4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY 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. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.

5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.

6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.

7. Construction of a six-foot (6') high masonry screening wall along the southerly property line of *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY*

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08/15/00

ORDINANCE NO. 014596

Zoning Case No. ZC-00024

52

NO. 266 along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of *THREE HILLS ADDITION*, shall be required prior to the issuance of certificates of occupancy.

8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.

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 22nd day of August, 2000.


THE CITY OF EL PASO

  
Carlos M. Ramirez, P.E.  
Mayor

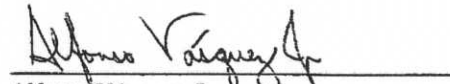
ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
Carolyn J. Celum  
Assistant City Attorney

APPROVED AS TO CONTENT:

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

(Acknowledgment on following page)

CJC:pmc#71144

2

08/15/00

ORDINANCE NO. 24596

Zoning Case No. ZC-00024

51

8F

ORDINANCE NO. 016499

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 13A, S.A. AND M.G. RAILROAD COMPANY SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-5/C (RESIDENTIAL/CONDITIONS) TO C-3/C (COMMERCIAL/CONDITIONS) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of a *portion of Tract 13A, S.A. and M.G. Railroad Company Survey No. 266, 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-5/c (Residential/conditions) to C-3/c (Commercial/conditions), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

Further, 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, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. 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.
2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line abutting any residential zone 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.
3. A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.
4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone 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. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.
5. The maximum height of any building or structure within the subject property shall not exceed one (1) story.
6. Access to *Tract 13-A, S. A. & M. G. RAILWAY COMPANY SURVEY NO. 266*, from and onto Tuscarora Avenue, shall be prohibited.

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Doc#25596/Planning/ORD/Rezoning/Zon06-00108/HMCG

ORDINANCE NO. 016499

Zoning Case No: ZON06-00108

87

7. That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property line abutting any residential zone, prior to the issuance of a certificate of occupancy.

8. The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall, heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of a restaurant, or retail sales for off-premise consumption.

PASSED AND APPROVED this 14 day of NOVEMBER, 2006.

THE CITY OF EL PASO

John F. Cook  
John F. Cook  
Mayor

ATTEST:

Richarda Duffy Momsen  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

Hillary S. McGinnes  
Hillary S. McGinnes  
Assistant City Attorney

APPROVED AS TO CONTENT:

Rodolfo Valdez  
Rodolfo Valdez, Chief Urban Planner  
Development Services Department

06 OCT 12 PM 4:51

Doc#25596/Planning/ORD/Rezoning/Zon06-00108/HMCG CITY CLERK DEPT.

ORDINANCE NO. 016499

Zoning Case No: ZON06-00108

8F

Property Description: Portion of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266, EL Paso, EL Paso County, Texas.

**METES AND BOUNDS DESCRIPTION**

The parcel of land herein described is a portion of Tract 13A, S. A. and M. G. Railroad Company Survey No. 266, EL Paso, EL Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Southwestern Drive (60' right-of-way) and Tuscarora Drive (60' right-of-way); Thence, North 89° 54' 54" West, along the centerline of Tuscarora Drive, a distance of 150.00 feet to a point lying on the common boundary line between Scenic Heights and Tract 13A, S. A. and M. G. Survey No. 266 to a point; Thence, North 00° 05' 06" East, along said boundary line, a distance of 405.00 feet to a point lying on the common boundary line of Tract 13A, S.A. and M.G. Survey No. 266 and West Hills Unit Twenty Two; Thence, North 89° 54' 54" West, along said boundary line, a distance of 678.82 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, South 11° 44' 42" East, a distance of 942.93 feet to a point;

THENCE, South 64° 40' 06" West, a distance of 64.66 feet to a point;

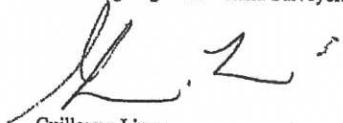
THENCE, North 11° 44' 42" West, a distance of 971.29 feet to a point;

THENCE, South 89° 54' 54" East, a distance of 64.21 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 1.381 acres (60,154 sq. ft.) of land more or less.

A PLAT OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC,  
Consulting Engineers—Land Surveyors



Guillermo Licon  
Registered Professional Land Surveyor  
Texas License No. 2998



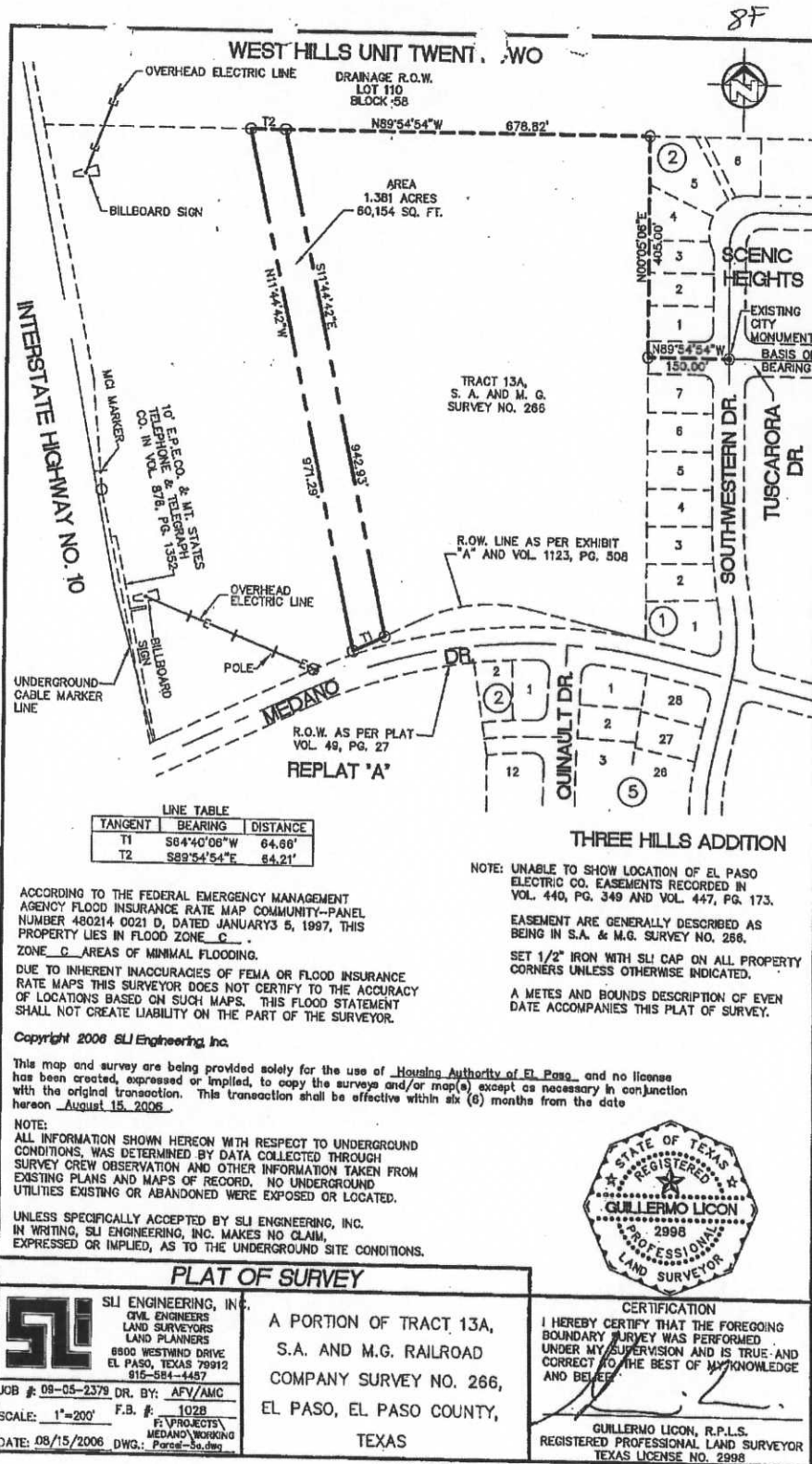
May 26, 2006  
Job Number 09-05-2379

**Exhibit "A"**

Page 1 of 2  
M&B/1304

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016499



CITY CLERK DEPT.  
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016499



PLAT OF SURVEY		
<b>SLI ENGINEERING, INC.</b> CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 8800 WESTWOOD DRIVE EL PASO, TEXAS 79912 915-884-4457	A PORTION OF TRACT 13A, S.A. AND M.G. RAILROAD COMPANY SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS	<b>CERTIFICATION</b> I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998
JOB #: 08-05-2379 DR. BY: AFV/AMC SCALE: 1"=200' F.B. #: 102B DATE: 08/15/2006 DWG.: Parcel-5a.dwg		



## Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (7-0)
- **Public Input:** No communication received from the public in support or opposition to the zoning condition release request.

### **Strategic Goal #3 Promote the Visual Image of El Paso**

- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community





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PZCR15-00001





On August 22, 2000, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 014596 (see Attachment 4) as follows:

*1. 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.*

Condition #1 is no longer necessary as the subject property is adjacent to a major arterial frontage street Desert North Boulevard and Interstate-10, which is required to comply with screening and landscaping.

*2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line 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.*

Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property; therefore this condition has been satisfied.

*3. A minimum of twenty-foot (20') building setback along the easterly property line shall be required prior to the issuance of a building permit or certificate of occupancy.*

Condition #3 is no longer necessary as the adjacent proposed apartment complex and any proposed development to the east of the subject property are subject to current density and dimensional standards.

*4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code. The landscaping shall be included within the required twenty-foot building setback along easterly property line.*

Condition #4 is a current code requirement which requires Landscape Division review and approval of a landscaping plan at the time building permits are requested.



## Continued...

5. *The maximum height of any building or structure within the subject property shall not exceed one story.*

Condition #5 is no longer necessary as any addition to height will serve to screen the surrounding development.

6. *Access from Tuscarora Avenue shall be prohibited.*

Condition #6 does not apply to the subject property as Tuscarora Avenue is not adjacent the subject property.

7. *Construction of a six-foot high masonry screening wall along the southerly property line along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of Three Hills Addition, shall be required prior to the issuance of certificate.*

Condition #7 is no longer necessary as the condition has been satisfied and is a current requirement.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10.



On November 14, 2006, City Council approved the rezoning request for the subject property from R-5/c (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 016499 (see Attachment 5) as follows:

*1. 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.*

**Condition #1 is no longer necessary because the subject property is adjacent to the arterial frontage street Desert North Boulevard and Interstate-10 and a future developed apartment complex to the east of the subject property.**

*2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line 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.*

**Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property.**

*3. A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.*

**Condition #3 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.**

*4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.*

**Condition #4, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.**



## Continued...

5. *The maximum height of any building or structure within the subject property shall not exceed one (1) story.*

Condition #5 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.

6. *Access to Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, from and onto Tuscarora Avenue, shall be prohibited.*

Condition #6 is no longer necessary because it is not adjacent the subject property.

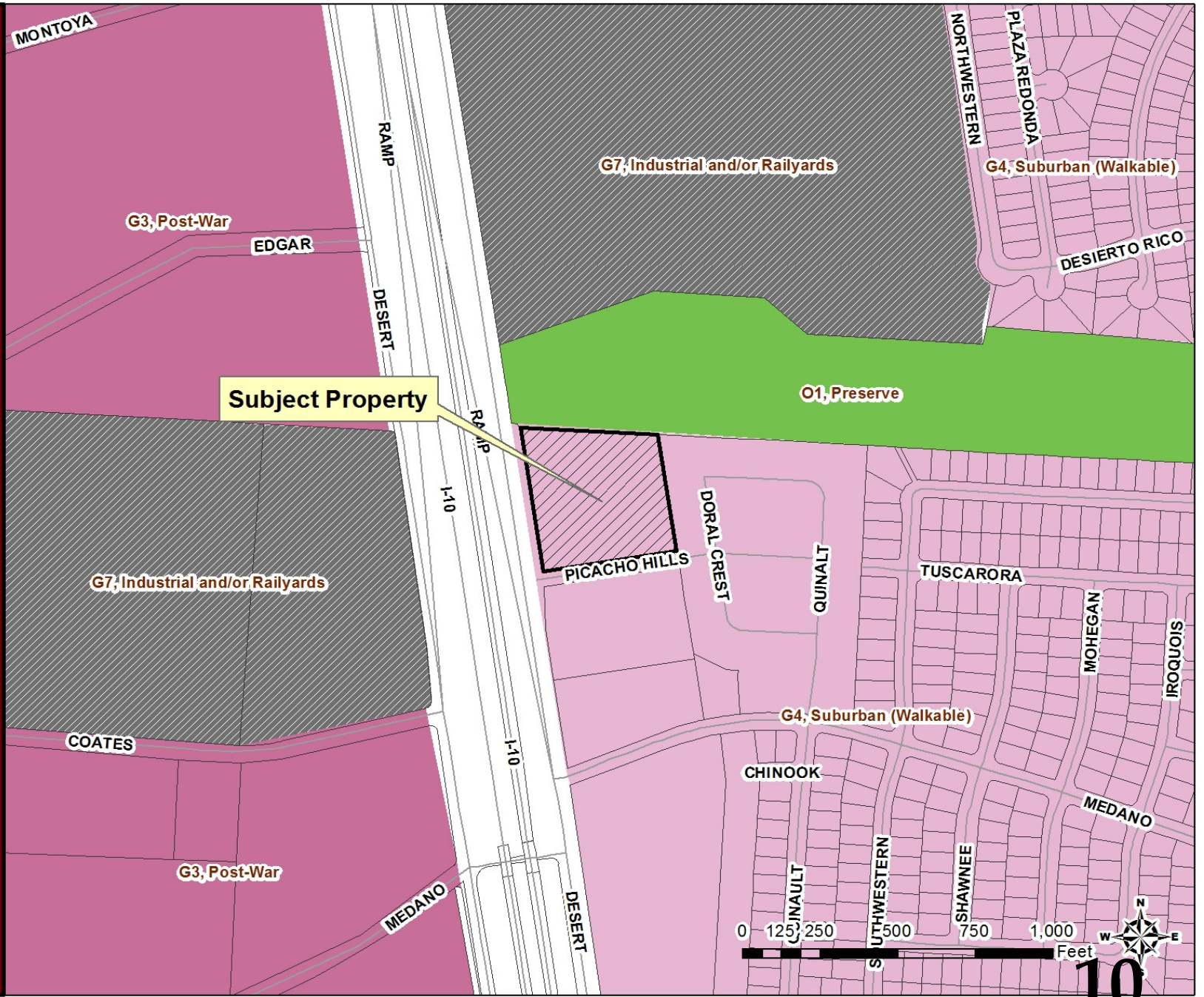
7. *That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property lie abutting any residential zone, prior to the issuance of a certificate of occupancy.*

Condition #7, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

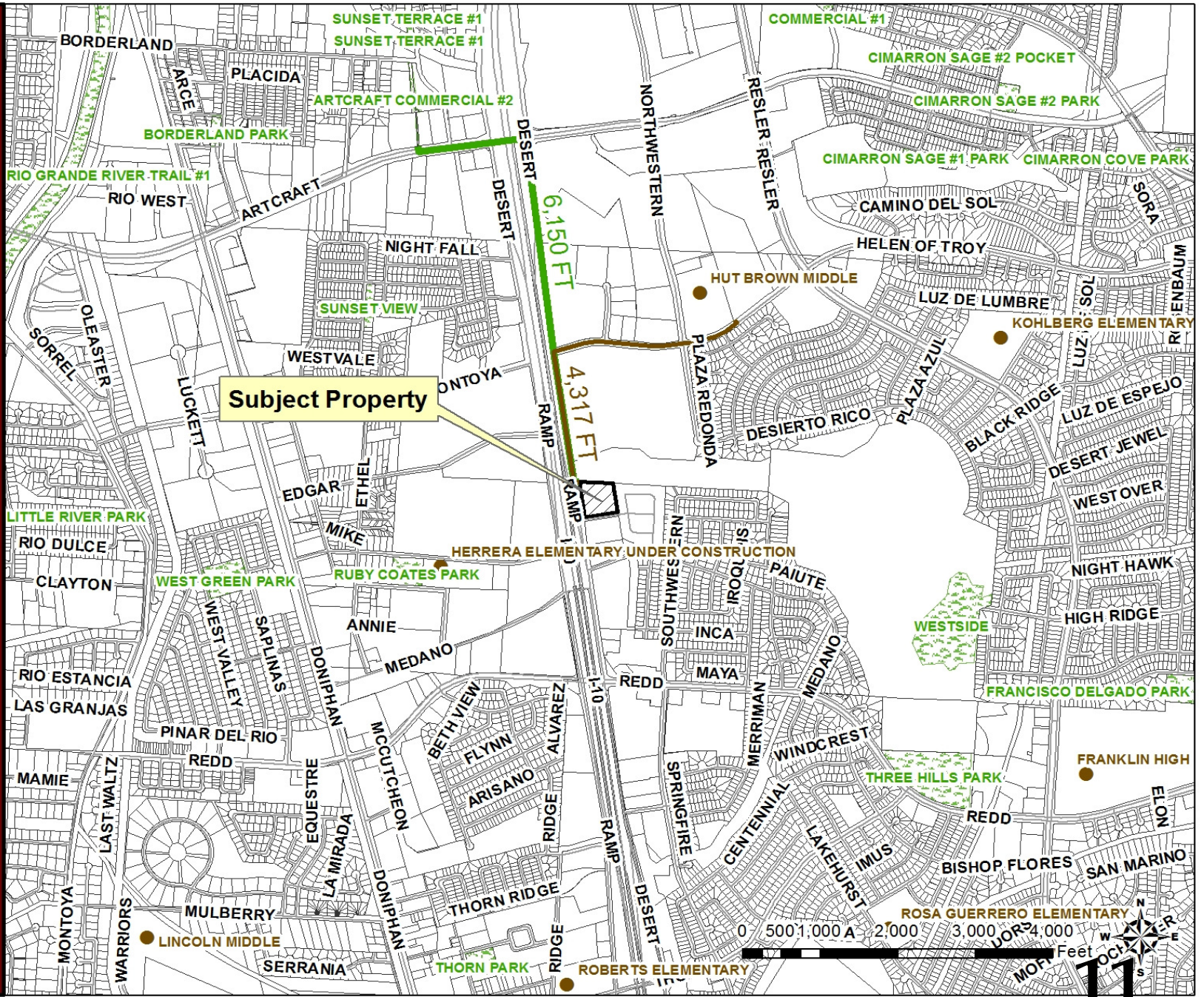
8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10 with no access to any residential development.

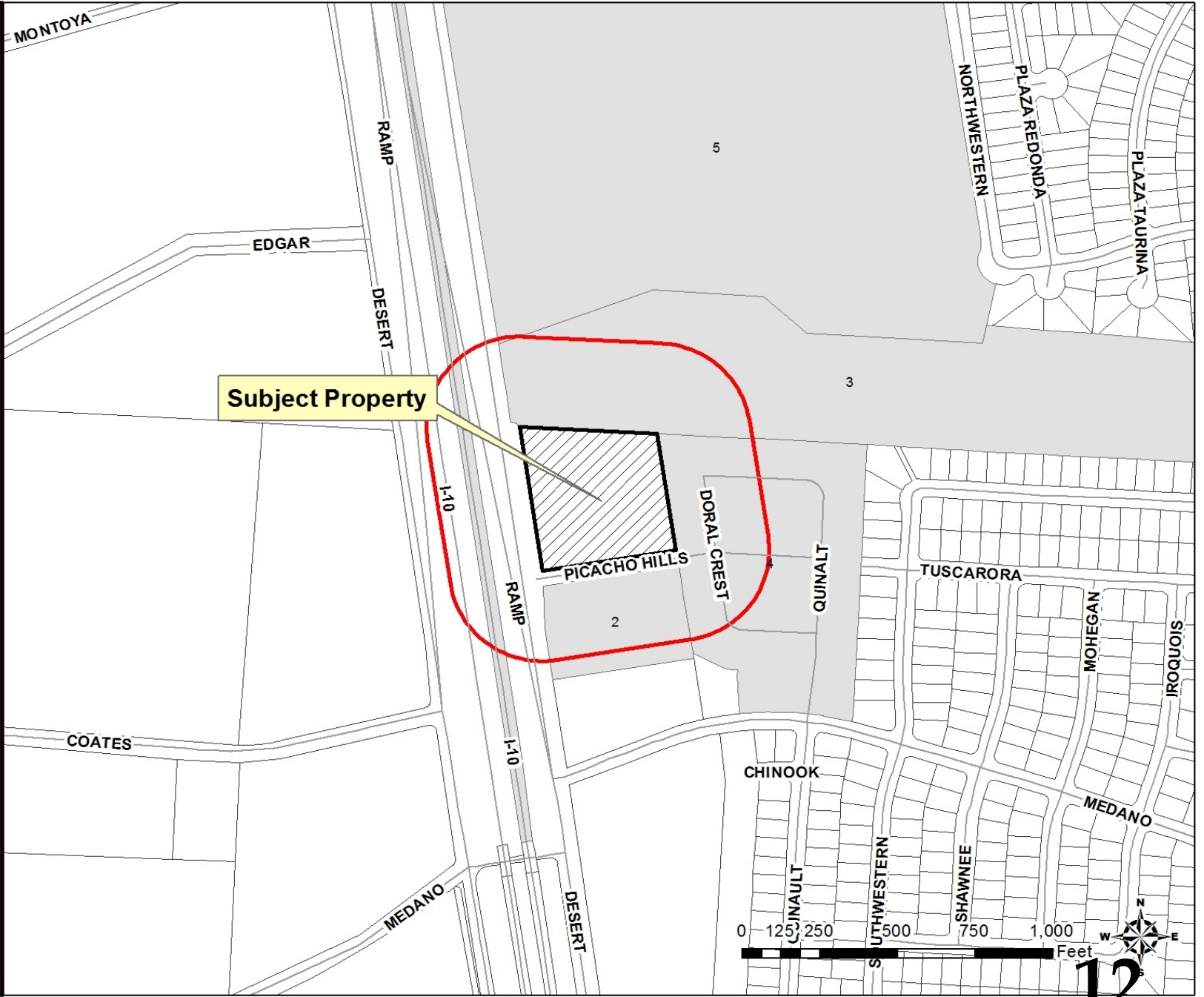
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Subject Property

14

**FOR SALE**  
OR  
**OR LEASE**  
**.37 Acres**  
C-3  
Call 727-3944

**¡NADIE vende más barato!**  
**UETA**  
DUTY FREE

North  
**15**



East

16



East

17



South  
18



West

19



PZCR15-00001





On August 22, 2000, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 014596 (see Attachment 4) as follows:

*1. 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.*

Condition #1 is no longer necessary as the subject property is adjacent to a major arterial frontage street Desert North Boulevard and Interstate-10, which is required to comply with screening and landscaping.

*2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line 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.*

Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property; therefore this condition has been satisfied.

*3. A minimum of twenty-foot (20') building setback along the easterly property line shall be required prior to the issuance of a building permit or certificate of occupancy.*

Condition #3 is no longer necessary as the adjacent proposed apartment complex and any proposed development to the east of the subject property are subject to current density and dimensional standards.

*4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code. The landscaping shall be included within the required twenty-foot building setback along easterly property line.*

Condition #4 is a current code requirement which requires Landscape Division review and approval of a landscaping plan at the time building permits are requested.



## Continued...

5. *The maximum height of any building or structure within the subject property shall not exceed one story.*

Condition #5 is no longer necessary as any addition to height will serve to screen the surrounding development.

6. *Access from Tuscarora Avenue shall be prohibited.*

Condition #6 does not apply to the subject property as Tuscarora Avenue is not adjacent the subject property.

7. *Construction of a six-foot high masonry screening wall along the southerly property line along that portion of Medano Drive immediately to the north of the R-3 (Residential) zoned portion of Three Hills Addition, shall be required prior to the issuance of certificate.*

Condition #7 is no longer necessary as the condition has been satisfied and is a current requirement.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10.



On November 14, 2006, City Council approved the rezoning request for the subject property from R-5/c (Residential) to C-3/c (Commercial/conditions) and imposed a condition by Ordinance No. 016499 (see Attachment 5) as follows:

*1. 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.*

**Condition #1 is no longer necessary because the subject property is adjacent to the arterial frontage street Desert North Boulevard and Interstate-10 and a future developed apartment complex to the east of the subject property.**

*2. Construction of an eight-foot (8') high masonry screening wall along the easterly property line 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.*

**Condition #2 is a current code requirement and there is an existing 8' masonry screening/rock wall on the subject property.**

*3. A minimum of twenty-foot (20') building setback along the easterly property line abutting any residential zone shall be required prior to the issuance of a building permit or certificate of occupancy.*

**Condition #3 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.**

*4. Landscaping within the entire length and width of a minimum ten-foot (10') wide buffer strip along the easterly property line abutting any residential zone shall be required prior to the issuance of certificates or occupancy and shall be in addition to landscaping required per El Paso City Code 20.65. The landscaping shall be included within the required twenty-foot (20') building setback along that property line.*

**Condition #4, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.**



## Continued...

5. *The maximum height of any building or structure within the subject property shall not exceed one (1) story.*

Condition #5 is no longer necessary because it is adjacent a future developed apartment complex to the east of the subject property.

6. *Access to Tract 13-A, S.A. & M.G. Railway Company Survey No. 266, from and onto Tuscarora Avenue, shall be prohibited.*

Condition #6 is no longer necessary because it is not adjacent the subject property.

7. *That a twenty foot (20') landscape buffer with high profile native trees placed at ten feet (10') on center be installed along the easterly property lie abutting any residential zone, prior to the issuance of a certificate of occupancy.*

Condition #7, development is required to meet the current landscaping code requirements of 18.46, at the time building permits are submitted.

8. *The use of the subject property for: Automobile, light truck, bus, motorcycle and boat, sales, storage, rental and service, billiard halls, bowling alleys, amusement game complex or park, garages, parking or community, parking lot, miniature golf courses, private club, lodge or meeting hall, transportation terminal, theaters, trailer, mobile home, travel trailer and recreational vehicle sales, display and repair, skating rink, outdoor flea market, dance hall heliport, helistop or airpad, massage parlor, or bar, tavern or cocktail lounge shall be prohibited. Provided, however, that the sale of alcoholic beverages shall be permitted within the subject property in conjunction with the operation of restaurant, or retail sales for off-premise consumption.*

Condition #8 is no longer necessary as there is a major arterial frontage on Desert North Boulevard and Interstate-10 with no access to any residential development.