

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

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: May 27, 2014  
Public Hearing: June 17, 2014

**CONTACT PERSON/PHONE:** Michael McElroy, (915) 212-1612, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 5

**SUBJECT:**

An Ordinance granting Special Permit No. PZST14-00011, to allow for a ground-mounted 75' Personal Wireless Service Facility on the property described as Lot 78, Block 33, Tierra del Este #26 Amending, 3070 Joe Battle, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. Subject Property: 3070 Joe Battle. Property Owner: CRBD Joe Battle LTD & Camino Vista Properties LP. PZST14-00011 (**District 5**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (5-1)

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

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

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

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department

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**APPROVED FOR AGENDA:**

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

**DATE:** \_\_\_\_\_

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

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00011, TO ALLOW FOR A GROUND-MOUNTED 75' PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS LOT 78, BLOCK 33, TIERRA DEL ESTE #26 AMENDING, 3070 JOE BATTLE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, CRBD Joe Battle LTD & Camino Vista Properties LP has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a ground-mounted Personal Wireless Service Facility (PWSF) that is 75 feet tall and camouflaged as a palm tree; and,

WHEREAS, the Section 20.10.455 allows for a ground-mounted personal wireless service facility by Special Permit; and,

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

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in an C-4/c (Commercial/condition) Zone District:  
*Lot 78, Block 33, Tierra Del Este #26 Amending, 3070 Joe Battle, City of El Paso, El Paso County, Texas; and,*
2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a ground-mounted 75' personal wireless service facility on the property described in Paragraph 1 of this Ordinance; and,

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

Special Permit No. PZST14-00011

3. That this Special Permit is issued subject to the development standards in the **C-4/c (Commercial/condition)** District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes; and,
4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. PZST14-00011** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,
5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

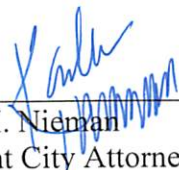
**PASSED AND APPROVED this \_\_\_\_\_ of \_\_\_\_\_, 2014.**  
**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser, 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  
City Development Department

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

**Special Permit No. PZST14-00011**

### AGREEMENT

CRBD Joe Battle LTD & Camino Vista Properties LP, (Property Owner) referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the C-4/c (Commercial/condition) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED 14 day of May, 2014.

(Signature)

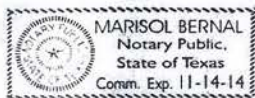
(Name/Title)

### ACKNOWLEDGMENT

THE STATE OF TEXAS )

COUNTY OF EL PASO )

This instrument is acknowledged before me on this 14<sup>th</sup> day of May, 2014, for CRBD Joe Battle LTD & Camino Vista Properties LP as property owner.



Notary Public, State of Texas

Signature

Printed or Typed Name

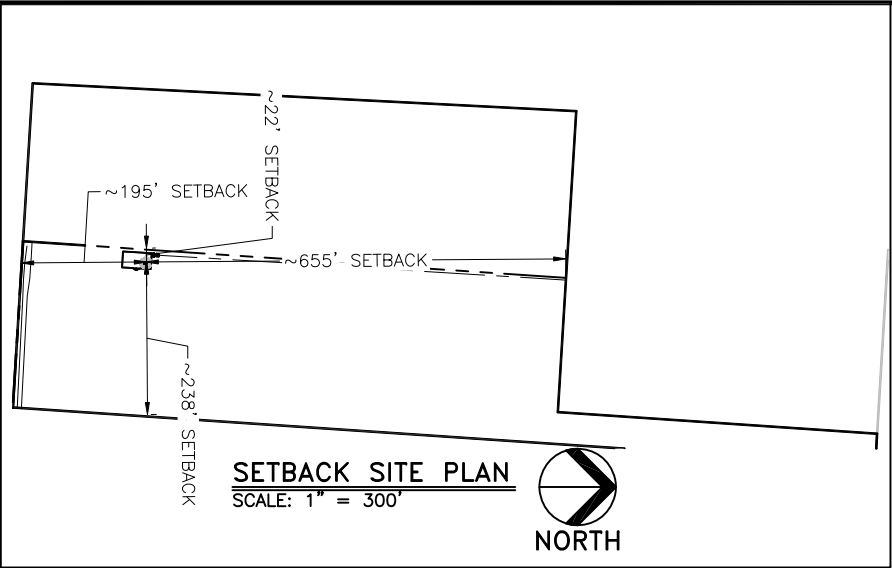
My Commission Expires: 11/14/2014

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

Special Permit No. PZST14-00011


#285235/14-1007-1037/3070 Joe Battle-Special Permit  
KMN

Exhibit "A"



SETBACK TABLE:		
	TOWER BASE TO PARENT PROPERTY LINE	LEASE BOUNDARY TO PARENT PROPERTY LINE
NORTH	~655'	~648'
SOUTH	~195'	~157'
EAST	~238'	~230'
WEST	~22'	~5'

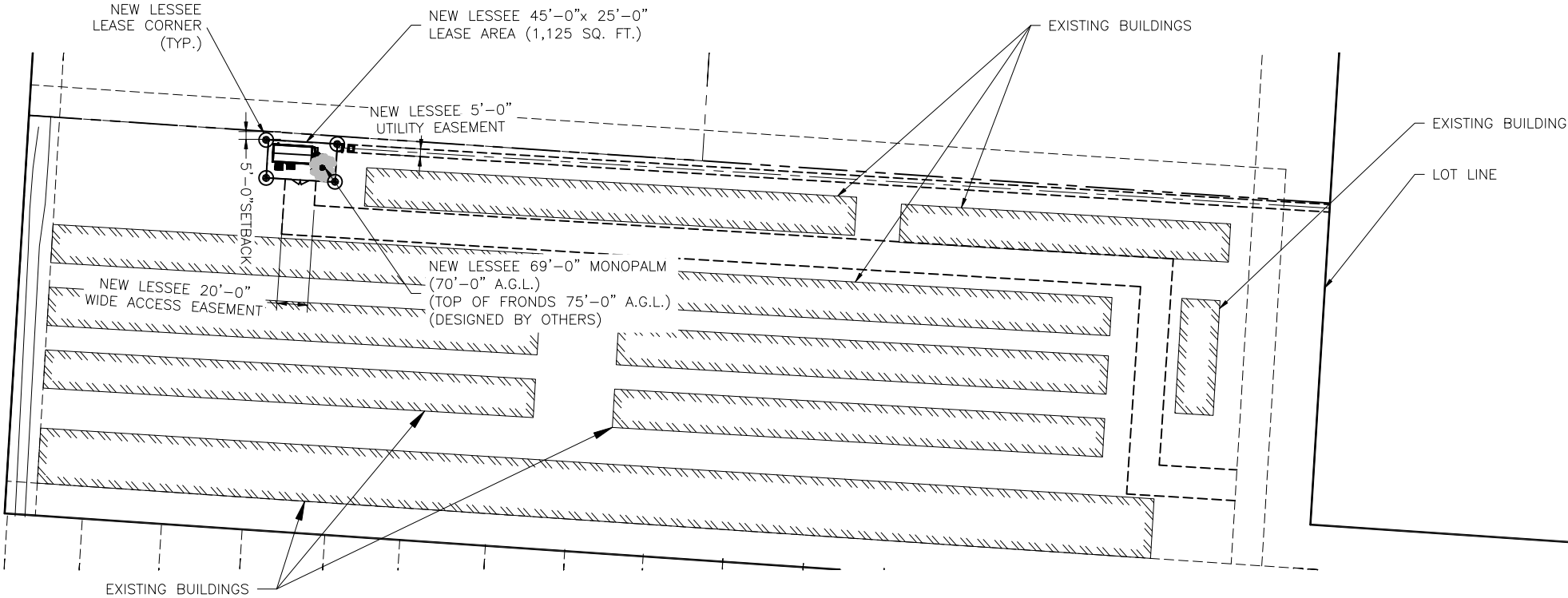
DESIGNED FOR:



4821 EUBANK NE  
ALBUQUERQUE, NM 87111

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APPROVED  
FOR CONSTRUCTION



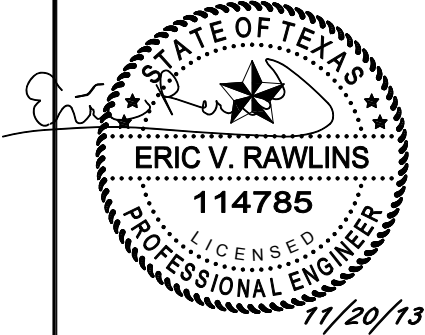
**SITE PLAN**  
SCALE: 1" = 100'-0"

NORTH

REV	DESCRIPTION	DATE	BY	CHK	JMM	EVR
B	PRELIMINARY - NOT FOR CONSTRUCTION	08/02/13	SAP			
0	APPROVED FOR CONSTRUCTION	11/19/13	SAP			



ALBUQUERQUE, / BOISE, / EL PASO, / LAS VEGAS, / DENVER, / COLORADO  
NEW MEXICO / IDAHO / TEXAS / NEVADA



PROJECT NAME:

ELP DRAGON  
NEW 69'-0" MONOPALM  
RAW LAND COMM SITE

PROJECT ADDRESS:

3070 JOE BATTLE BLVD  
EL PASO, TEXAS 79938  
EL PASO COUNTY

SHEET TITLE:

SITE PLAN

SAVE DATE:

11/20/2013 8:12 AM

SHEET NUMBER:

C1

## **MEMORANDUM**

**DATE:** May 9, 2014

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Michael McElroy, Planner

**SUBJECT: PZST14-00011**

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The City Plan Commission (CPC), on April 24, 2014, voted 5-1 to recommend **approval** of a special permit to allow for a ground mounted 75' Personal Wireless Service Facility.

The CPC found that the special permit is in conformance with Plan El Paso. The CPC also determined that the special permit 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 special permit will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no communications in support or opposition to the special permit request.

**Attachment:**  
Staff Report



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

**Case No:** PZST14-00011  
**Application Type:** Special Permit and Detailed Site Development Plan Review  
**CPC Hearing Date:** April 24, 2014  
**Staff Planner:** Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov  
**Location:** 3070 Joe Battle Boulevard  
**Legal Description:** Lot 78, Block 33, Tierra Del Este #26 Amending, City of El Paso, El Paso County, Texas  
**Acreage:** 5.6470 acres  
**Rep District:** 5  
**Existing Zoning:** C-4/c (Commercial/condition)  
**Existing Use:** Self-Storage Facility  
**C/SC/SP/ZBA/LNC:** Yes; Condition (see attachment 7)  
**Request:** Special Permit to allow a Personal Wireless Service Facility (PWSF)  
**Proposed Use:** Ground-mounted PWSF  
**Property Owner:** CRBD Joe Battle LTD & Camino Vista Properties LP  
**Applicant:** Travis Morrow/Verizon Wireless  
**Representative:** Ben Feldman

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

**North:** C-4/c (Commercial/conditions) / Vacant  
**South:** C-4/c (Commercial/conditions) / Funeral home and Vacant  
**East:** R-5 (Residential) / Single-family dwellings  
**West:** C-4/c (Commercial/conditions) / Medical offices and Indoor exercise facility

**PLAN EL PASO DESIGNATION:** G-4, Suburban (Walkable)

**NEAREST PARK:** Arbolito Park (4,918 feet)

**NEAREST SCHOOL:** Paso Del Norte Elementary (3,023 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association, Las Tierras Neighborhood Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 7, 2014. The Planning Division has not received any phone calls or letters in support or opposition to the request.

### **APPLICATION BACKGROUND**

Ordinance 15023, dated January 29, 2002, upon the rezoning of an 821 acre section of land, placed conditions on portions of the land to be rezoned. The subject property is included in Parcel 4 identified in the ordinance, and prohibits automobile uses, hotels and motels, and mobile home parks and storage (see attachment 7).

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit to allow for the placement of a ground-mounted personal wireless service facility (PWSF). A special permit is a requirement of 20.10.455(D)(1)(d) of the El Paso City Code as there is one existing PWSF tower within one-half mile of this site. The site plan shows a 1,125 sq. ft. lease area for a 75-foot monopole with antennas and ground equipment. The property currently serves as a self-storage facility. The antennas and support structure will be camouflaged to resemble a palm tree. The applicant verified that co-location is not possible, necessitating a new tower. Access is proposed from Tierra Cortez via a private access easement.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the special permit for a Personal Wireless Service Facility (PWSF), as it meets all the requirements of 20.04.320, Special Permit and 20.10.455 PWSF.

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

All applications for special permit 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-4 (Regional Commercial) district is to provide commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing and provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

## **COMMENTS:**

### **City Development Department - Planning Division - Transportation**

No objection.

### **City Development Department - Land Development**

No objection.

### **City Development Department - Landscaping Division**

Recommend approval. The applicant has elected to buyout their landscaping requirement as provided by Section 18.46.140. This fee will be assessed at the time of building permits (see attachment 6).

### **Fire Department**

Recommend “APPROVAL” of “Detailed Site Plan Application” as presented. \*\*\*\*\*NOTE \*\*\*\*\* PZST14-00011 In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems. “When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”. The Fire Planning Division has reviewed the submitted “Detailed Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES comply within the zoning regulations.

### **El Paso Water Utilities**

EPWU does not object to this request.

We have reviewed the zoning change request described above and provide the following comments:

The proposed *Client five (5) foot Wide Utility Easement “A”* depicted on the plan labeled “*Easement Overview*” transects the existing fifty (50) foot wide Utility and Access Easement. There is an existing eight (8) inch diameter sanitary sewer main along the described easement located three (3) feet south of Lot 78 boundary line. The El Paso Water Utilities – Public Service Board (EPWU-PSB) encourages to request the location of the sanitary sewer main should there be the need to perform any form of excavation for the installation of underground utilities for the subject Personal Wireless Service Facility (PWSF).

The El Paso Water Utilities – Public Service Board (EPWU-PSB) requires a complete set of improvement plans describing the proposed utility facilities pertaining to the *Client five (5) foot Wide Utility Easement “A”* for



review and approval prior to any work to be performed within the immediate vicinity of the described existing eight (8) inch diameter sanitary sewer main. This is required in order to ascertain that the proposed utility facilities will not adversely affect the described sanitary sewer main. There shall be a minimum of two (2) feet vertical separation between the sewer main and the proposed utility conduits.

The El Paso Water Utilities will assist with the location of water and sanitary sewer mains, water meters and appurtenances in the field. Please call the TEXAS EXCAVATION SAFETY SYSTEM (DIG TESS) at 1-800-344-8377 to request the assistance of our Field Engineering Personnel with the location of our water and sanitary sewer mains. Please call with at least a 48-hour advance notice for this request.

## **EPWU-PSB Comments**

### **Water:**

Immediately east and parallel to Joe Battle Boulevard there is an existing thirty (30) inch diameter water transmission main. This main is located within the thirty (30) foot wide Public Utility Easement. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Immediately east and parallel to Joe Battle Boulevard there is an existing eight (8) inch diameter water main. This main is located immediately east of the above-described existing thirty (30) inch diameter water transmission main. Both mains are located within the (30) foot wide Public Utility Easement.

### **Sanitary Sewer:**

Along the twenty-one (21) foot wide Public Drainage and Utility Easement there is an existing eight (8) inch diameter sanitary sewer main aligned north to south.

Along the fifty (50) foot wide Utility and Access Easement there is an existing eight (8) inch diameter sanitary sewer main aligned east to west. The proposed Client five (5) foot Wide Utility Easement “A” depicted on the plan labeled “*Easement Overview*” transects the existing fifty (50) foot wide private access easement.

Immediately west and parallel to the 20-foot wide Private Drainage and Utility Easement located within Lot 76 and 77, Block 33, Tierra Del Este Unit Twenty Six, there is an existing eight (8) inch diameter sanitary sewer main. This main is situated inside a ten (10) foot wide easement and the main is aligned north to south.

### **General:**

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the above described water and sanitary sewer mains.

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

Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.

EPWU-PSB requires access to the existing water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.

EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

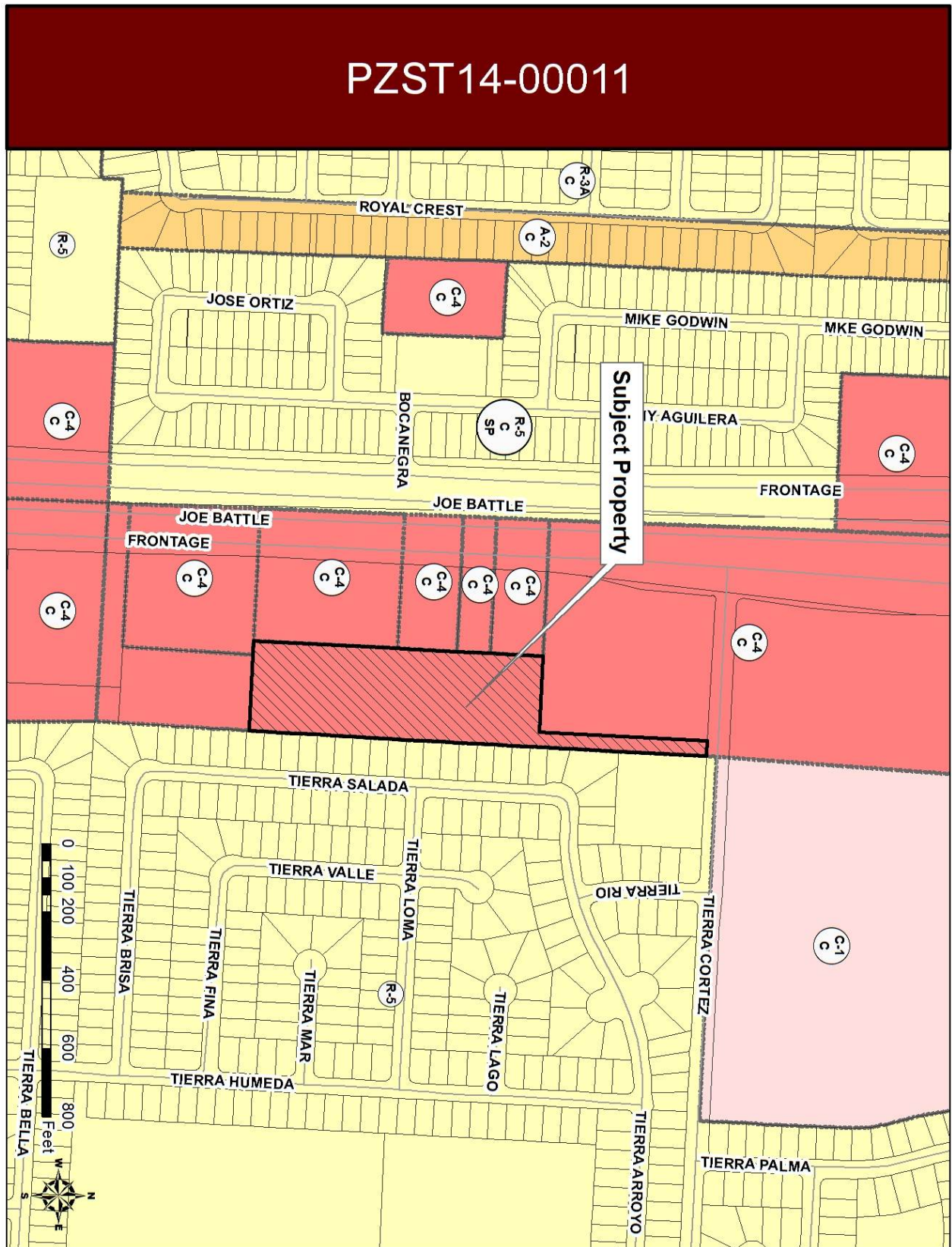
If the City of El Paso Fire Department requires additional fire hydrants on public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Elevations / Isometric Views
5. Simulation Pictures
6. Landscaping Buyout Letter
7. Ordinance No. 15023

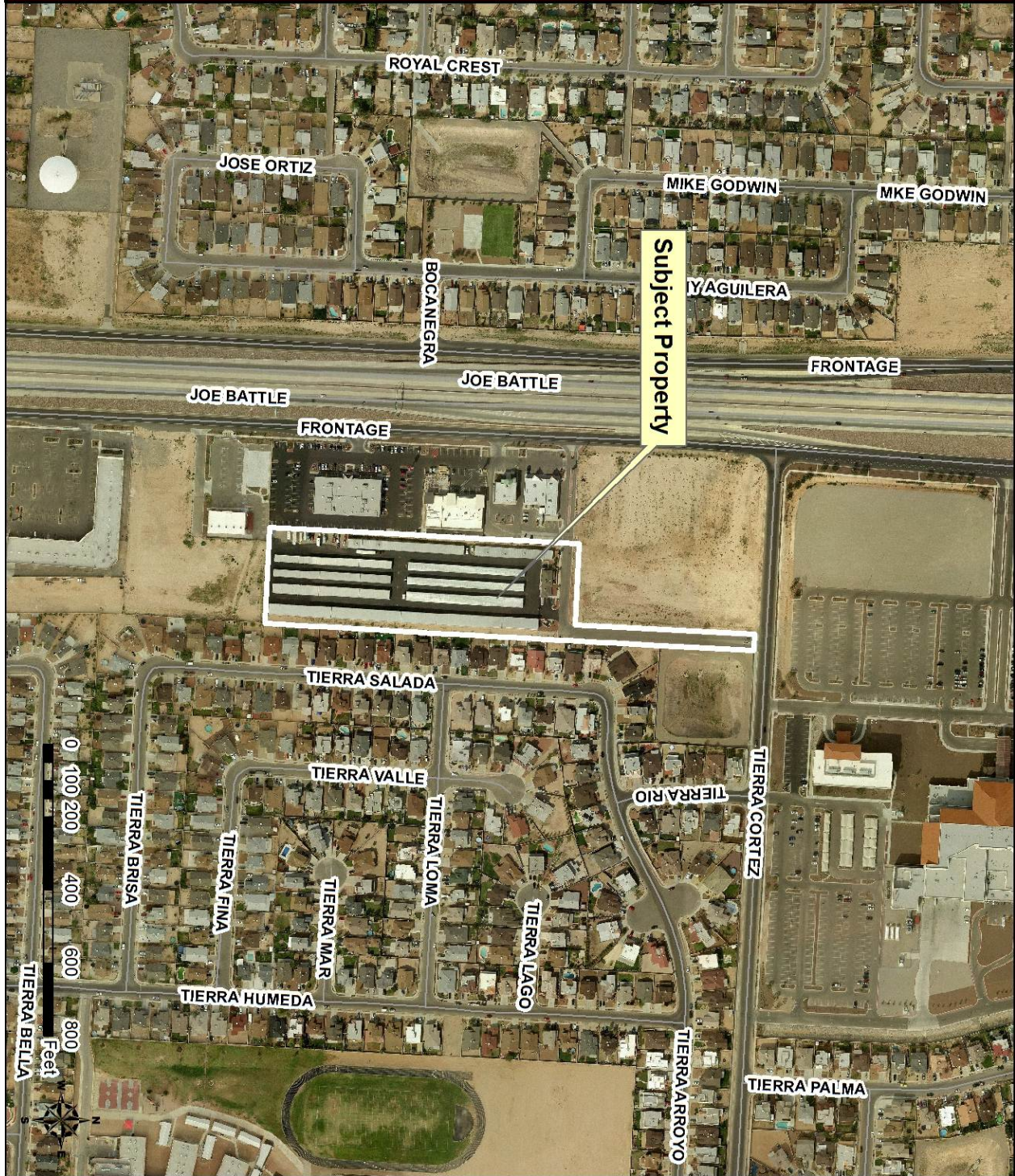
ATTACHMENT 1: ZONING MAP



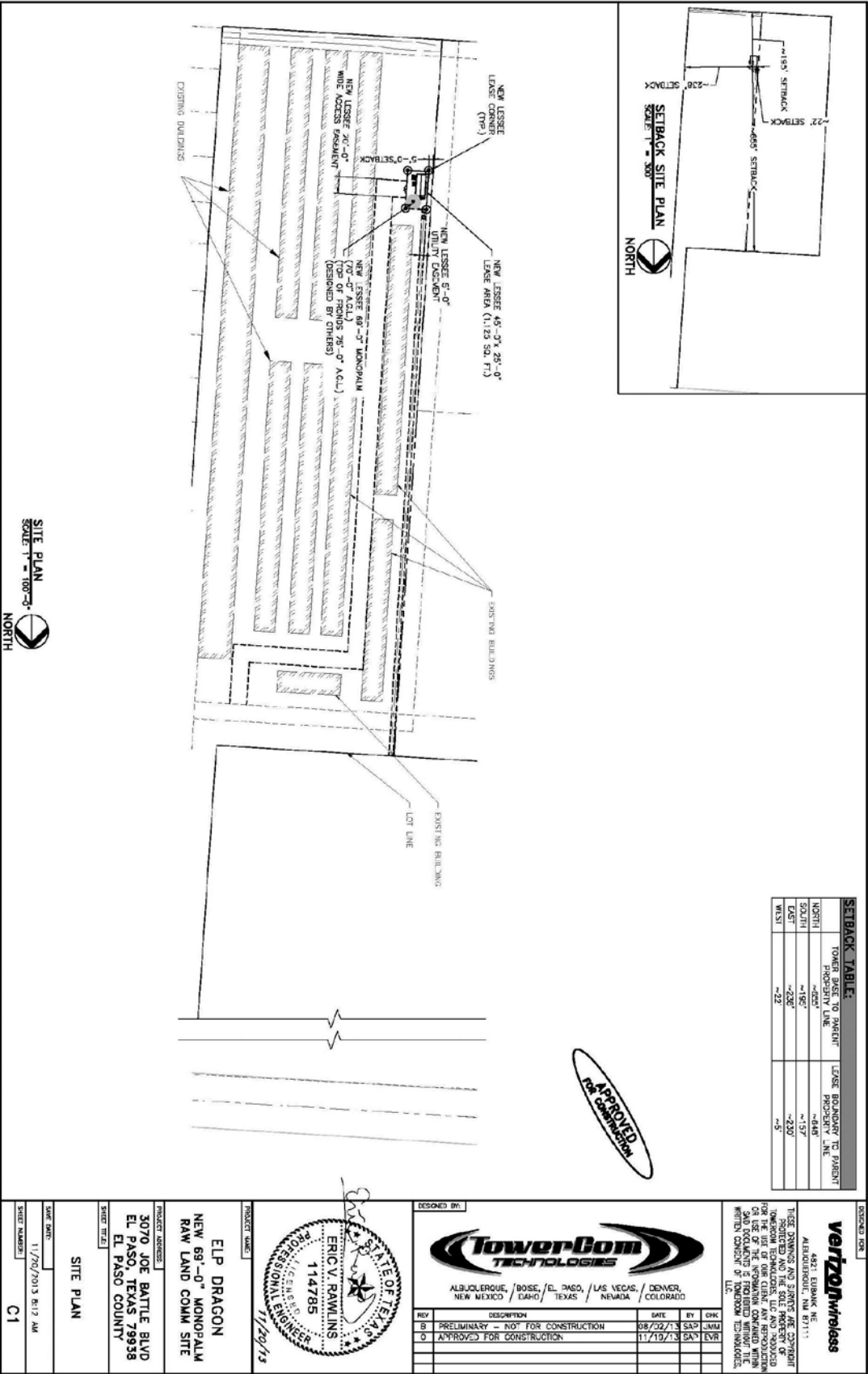


ATTACHMENT 2: AERIAL MAP

PZST14-00011



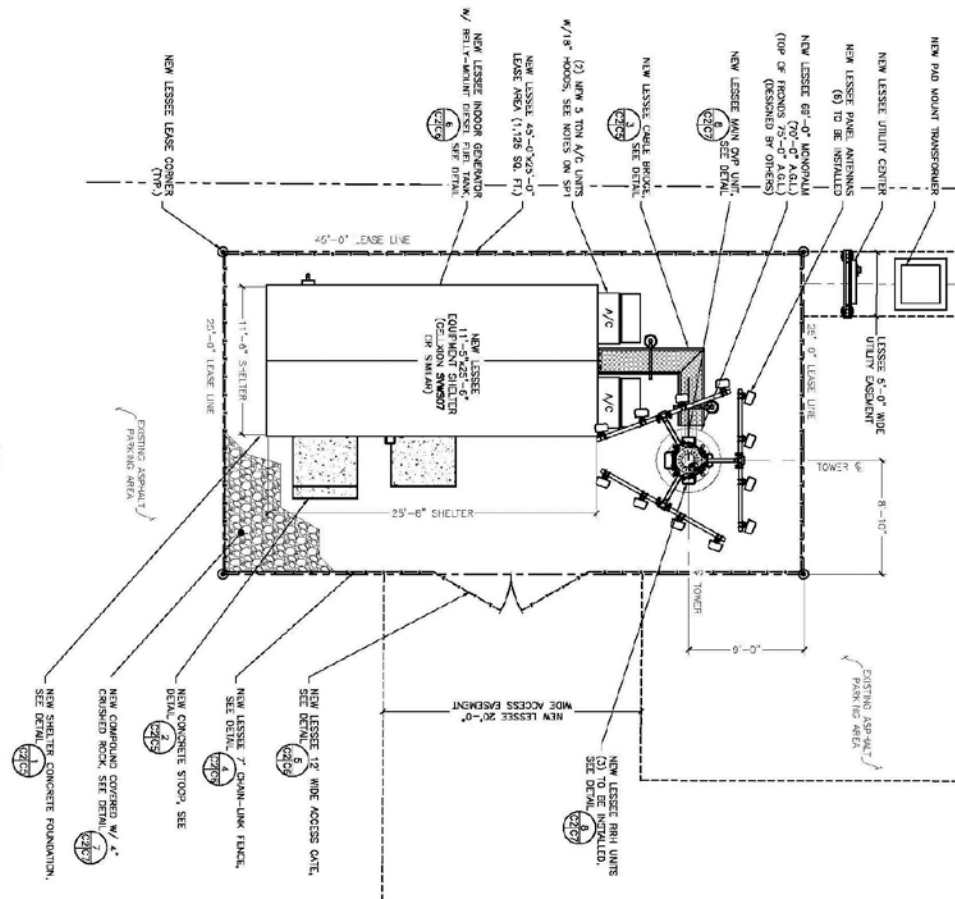
ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN





**SITE NOTES:**

1. PRIOR TO EXCAVATION, CONTRACTOR SHALL CHECK THE AREA FOR UNDISCOVERED FACILITIES.
2. CONTRACTOR TO PLACE MONOPILE FOUNDATION BASED ON FINISHED COMPACTED GRADE.
3. INNOVATION TO EXCHANG BELOW FOR DEFLECTION PURPOSES OF THE MONOPILE FOUNDATIONS AND ACCESSORIES AND GENERATED FROM AERIAL JUMPS AND SITE VISITS. INNOVATION DOES NOT CONSTITUTE A LEGAL BOUNDARY SURVEY AND SHOULD NOT BE USED FOR SURVEYING OR OTHER RELATED PURPOSES.



APPROVED  
for construction

ERIC V. RAWLINS  
114785  
PROFESSIONAL ENGINEER  
STATE OF TEXAS

ALBUQUERQUE, BOSE, EL PASO, LAS VEGAS, DENVER,  
NEW MEXICO, IDAHO, TEXAS, NEVADA, COLORADO

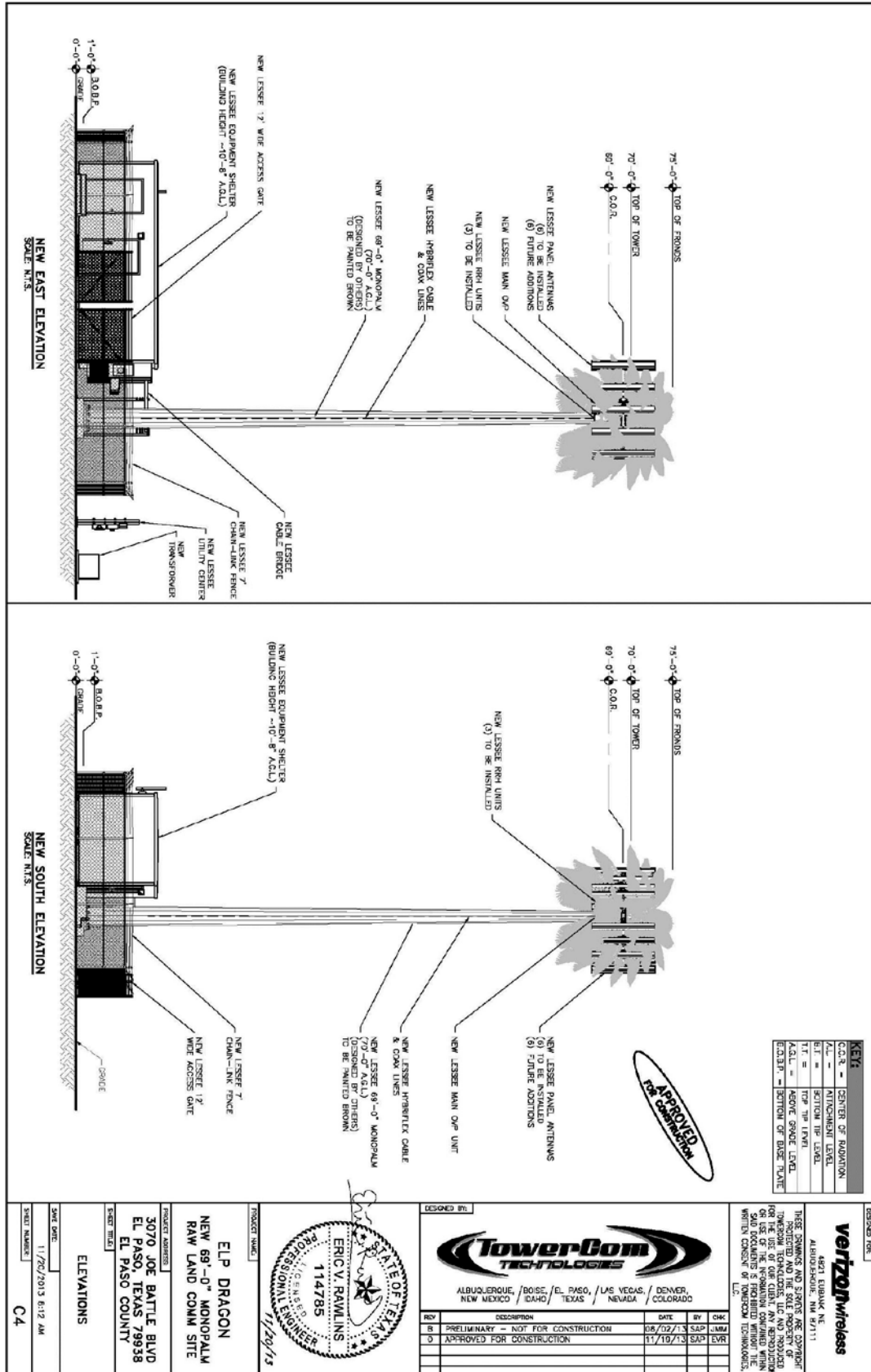
REV	DESCRIPTION	DATE	BY	CHK
B	PRELIMINARY - NOT FOR CONSTRUCTION	08/02/13	SAP	JH
0	APPROVED FOR CONSTRUCTION	11/19/13	SAP	EW

**verizon**wireless

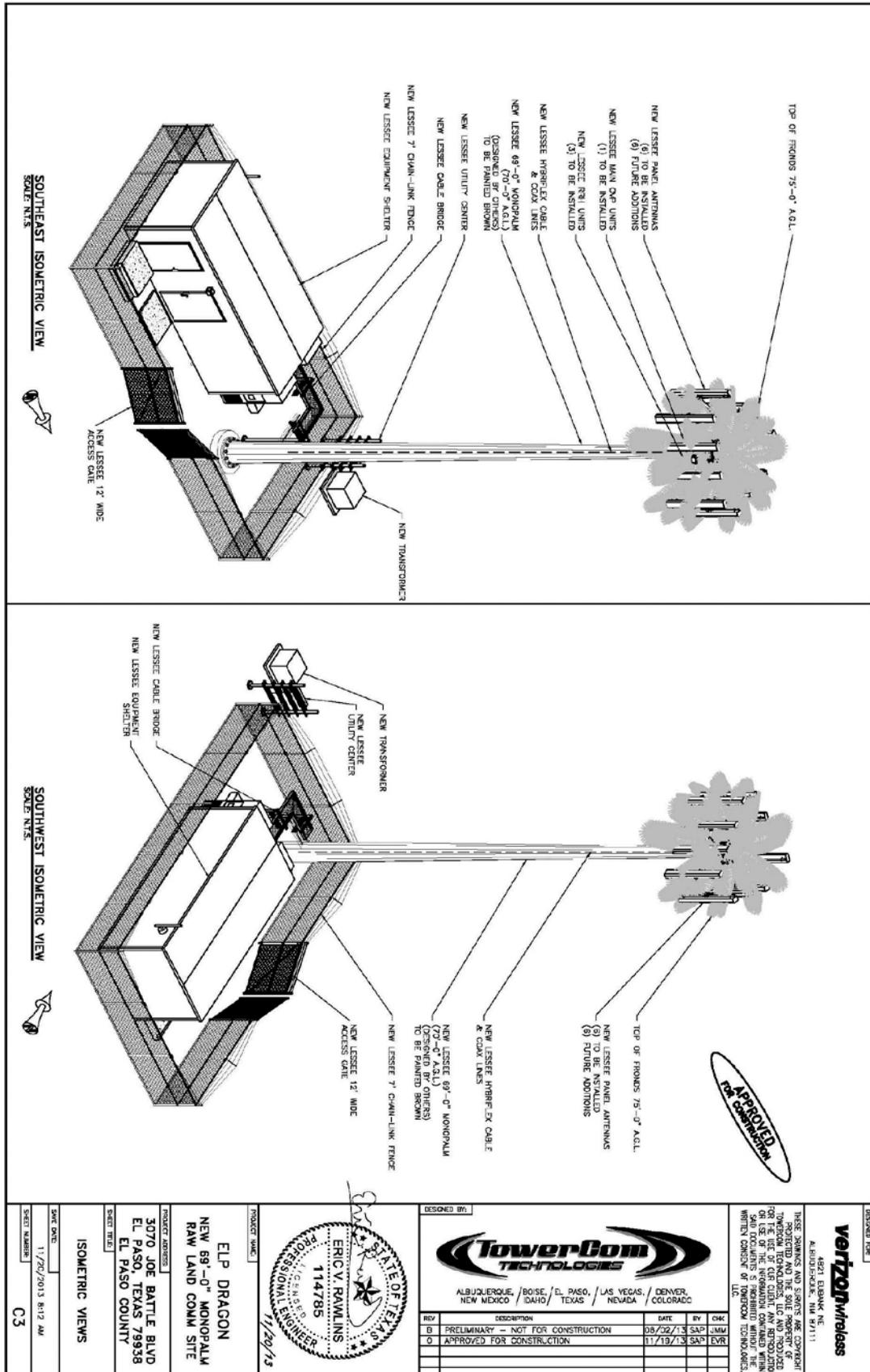
14921 EUBANK NE  
ALBUQUERQUE, NM 87111

PZST14-00011

# ATTACHMENT 4: ELEVATIONS / ISOMETRIC VIEWS



# ATTACHMENT 4: ELEVATIONS / ISOMETRIC VIEWS (CONTINUED)









ATTACHMENT 6: LANDSCAPING BUYOUT LETTER



April 11, 2014

To: Michael McElroy  
From : Ben Feldman applicant for Verizon Wireless (ELP Dragon)  
Re: PWSF Landscaping Buyout (PZST14-00011)

Mr. McElroy,

As required by the following El Paso municipal code below, Verizon Wireless elects the following option in regards to the landscaping requirement.

18.46.140 Fees in lieu of installation.

A. When applicable. The following projects may pay fees in lieu of installation of the required landscaping material and irrigation system, and shall not be subject to the requirements of this chapter if such fees are paid in accordance with the following provisions.

1. Unmanned facilities.

2. Manned facilities, if the required landscapable area requires 0.5 of a unit of plant material or less.

B. Fee calculation. Where the city accepts payment of cash in lieu of the installation of landscape material and irrigation system, such payment shall be equivalent to the following:

1. Unmanned facilities.

a. Any unmanned facility with a calculated landscapable area requiring one unit of plant material or less, shall pay fees in the amount of five thousand dollars per site.

b. All other unmanned facilities with a calculated landscapable area requiring more than one unit of plant material, may pay fees based on five thousand dollars per unit of plant material required.

2. Manned facilities. Any manned facility with a calculated landscapable area requiring 0.5 of a unit of plant material or less, may pay fees based on five thousand dollars per unit of plant material required.

Verizon Wireless elects to pay the desired one-time fee of \$5000.00 in lieu of installation per Section 18.46.140 of the El Paso Municipal Code above which will be due upon submittal of the building permit.

If you have any question or concerns please feel free to call or email me directly.

Sincerely,

*Ben Feldman*

Ben Feldman  
Project Manager  
602-819-4663

1426 North Marvin Street #101  
Gilbert, AZ 85233

ATTACHMENT 5: ORDINANCE NO. 15023

ORDINANCE NO. 15023

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF SECTION 33 AND ALL OF TRACTS 1 AND 1A, SECTION 40, BLOCK 79, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (EAST OF LOOP 375 AND SOUTH OF MONTANA AVENUE) AS FOLLOWS: PARCEL 1, FROM R-3 (RESIDENTIAL) TO C-4/C (COMMERCIAL/CONDITIONS); PARCEL 2, FROM R-3 (RESIDENTIAL) TO PR-II (PLANNED RESIDENTIAL); PARCEL 3, FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL); PARCEL 4, FROM R-3 (RESIDENTIAL) TO C-3/C (COMMERCIAL/CONDITIONS); AND PARCEL 5, FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), 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 a portion of Section 33 and all of Tracts 1 and 1A, Section 40, Block 79, Township 2, TEXAS & 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 as follows:

Parcel 1 (144.587 Acres):	from R-3 (Residential) to C-4/c (Commercial/conditions)
Parcel 2 (121.717 Acres):	from R-3 (Residential) to PR-II (Planned Residential)
Parcel 3 (247.900 Acres):	from R-3 (Residential) to R-5 (Residential)
Parcel 4 (26.063 Acres):	from R-3 (Residential) to C-3/c (Commercial/conditions)
Parcel 5 (280.682 Acres):	from R-3 (Residential) to R-3A (Residential)

within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That Parcel 1 and Parcel 4 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) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Parcel 1

1. Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved by the City Plan Commission.
2. A ten (10) foot landscaped buffer to include evergreen trees placed at 15 feet on center shall be required between the C-4 parcel and the abutting residential parcels.

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15023

1

1/4/02

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

Zoning Case No. ZC-01061

ATTACHMENT 5: ORDINANCE NO. 15023 (CONTINUED)

Parcel 4 - the following C-3 uses are prohibited:

1. Automobile, light truck, bus, motorcycle & boat sales, storage, rental and service
2. Hotels, motels or motor lodge
3. Transportation terminal
4. Trailer, mobile home, travel trailer & recreational vehicle sales, display & repair
5. Travel trailer & mobile home parks

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 29<sup>th</sup> day of January, 2002.

THE CITY OF EL PASO

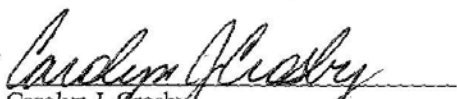


Raymond C. Caballero  
Mayor

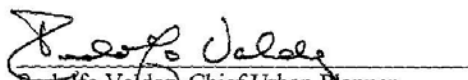
ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
Carolyn J. Grosby  
Assistant City Attorney

APPROVED AS TO CONTENT:

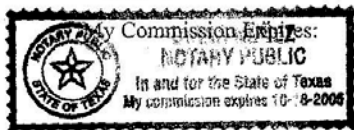
  
Rodolfo Valdez, Chief Urban Planner  
Dept. of Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS }

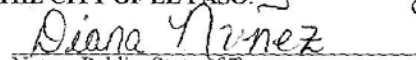
COUNTY OF EL PASO }

This instrument is acknowledged before me on this 4<sup>th</sup> day of February, 2002 by RAYMOND C. CABALLERO as Mayor of THE CITY OF EL PASO.



CJC:pmc/v80799/ZON/PLA/Y6

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

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

2

1/4/02

Zoning Case No. ZC-01061