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

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

AGENDA DATE: **Introduction: July 1, 2014**
Public Hearing: July 29, 2014

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

DISTRICT(S) AFFECTED: 8

SUBJECT:
An Ordinance approving a detailed site development plan for Lot 5 and a portion of Lot 4, Block 3, Keystone Business Park, 4360 Doniphan Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.150. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4360 Doniphan Drive. Property Owner: Mentis REEP, LLC. PZDS14-00014 **(District 8)**

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 (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Director, City Development Department

_____

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A DETAILED SITE DEVELOPMENT PLAN FOR LOT 5 AND A PORTION OF LOT 4, BLOCK 3, KEYSTONE BUSINESS PARK, 4360 DONIPHAN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.150. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Mentis REEP, LLC, (the "Owner") has applied for approval of a detailed site development plan to construct a rehabilitation clinic, which requires City Plan Commission and City Council approval, as required by a special contract attached to Ordinance No. 8929. The detailed site development plan is subject to the development standards in the **C-4/sc (Commercial/special contract)** District regulations and subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

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

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

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

1. The City Council hereby approves the detailed site development plan to construct a rehabilitation clinic submitted by the Applicant, as required by a special contract attached to Ordinance No. 8929 on the following described property which is located in a **C-4/sc (Commercial/special contract)** District:

Lot 5 and a portion of Lot 4, Block 3, Keystone Business Park, 4360 Doniphan Drive, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A".

2. A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

3. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **C-4/sc (Commercial/special contract)** District regulations.

4. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-4/sc (Commercial/special contract)** District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

5. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

PASSED AND APPROVED this _____day of _____, 2014.

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
City Development Department

(Development Agreement and Acknowledgement on the following page)

DEVELOPMENT AGREEMENT

By execution hereof, **Mentis REEP, LLC** ("Owner"), identified in the Ordinance to which this Development Agreement is attached, hereby covenant and agree, to develop the above described property in accordance with the approved Detailed Site Development Plan, and in accordance with the standards applicable to the **C-4/sc (Commercial/special contract)** District located within the City of El Paso.

EXECUTED this 18 **day of** June, **2014**

Mentis REEP, LLC

By: Chantell J Preston

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
CO UNTY OF EL PASO)

This instrument is acknowledged before me on this 18 day of June, 2014, by Chantell Preston, in his legal capacity on behalf of Mentis REEP, LLC

Notary Public, State of Texas

My Commission Expires
12/16/16

DELMY Y. MARQUEZ
MY COMMISSION EXPIRES
December 16, 2016

ORDINANCE NO. _____

PZDS14-00014

#298759_2/14-1007-1080/4360 Doniphan Drive DSPD
KMN

Exhibit "A"

PROPERTY DESCRIPTION

4360 DONIPHAN

Description of a parcel of land being all of Lot 5 and a portion of Lot 4, Block 3, Keystone Business Park, City of El Paso, El Paso County, Texas, plat of said Keystone Business Park recorded in book 76, pages 83, 83A and 83B, Plat Records, El Paso County, Texas, and also being that same parcel recorded in Clerks File#20130073535, El Paso County Clerks Records, and described as follows;

Beginning at an old rebar (no marking) found at the common corner of Lots 5 and 6, Block 3, Keystone Business Park, said rebar located on the easterly ROW line of Doniphan Drive (100' ROW), said rebar also lying South 33°59'00" East 478.66' (477.33' record) from a rebar found at the common corner of Lots 3 and 4, of said Block 3 (bearing basis), and being the "Point of Beginning";

Thence, with said easterly ROW line of Doniphan Drive, North 33°59'00" West passing the common corner of Lots 4 and 5 at a distance of 215.81' and continuing an additional 47.00' for a total distance of 262.81' to a 5/8" rebar with cap stamped "5372" set at the northwesterly corner of said parcel recorded in Clerks File#20130073535, from whence a rebar found lies 3.3' northeasterly;

Thence, leaving said easterly ROW line of Doniphan Drive and with the northerly boundary line of said parcel recorded in Clerks File#20130073535, North 56°11'07" East (North 56°01'00" East record) a distance of 434.35' (433.91' record), to the northeasterly corner of this parcel, from whence a 5/8" rebar with cap stamped "5372" set for a witness monument on line lies 2.0' southwesterly;

Thence, with the easterly lot line of said Lot 4, South 32°22'48" East (South 32°23'16" East record) passing a rebar with cap stamped "4680" found at the easterly common lot corner of said Lots 4 and 5 at a distance of 47.01' (field and record), and continuing with the easterly lot line of said Lot 5 an additional 23.65' (24.52' record) for a total distance of 70.66' to a rebar with cap stamped "4680" found at an angle point;

Thence, continuing with said easterly lot line of said Lot 5, South 32°36'28" East (South 32°36'56" East record) a distance of 100.63' to a rebar with cap stamped "4680" found at an angle point;

Thence, continuing with said easterly lot line of said Lot 5, South 37°51'05" East (South 37°51'33" East record) a distance of 80.88 to a rebar found for corner at the common easterly lot line of said Lot 5 and 6, from whence a rebar with cap stamped "4680" found at an angle point of the easterly lot line of said Lot 6 liess South 37°51'05" East (South 37°51'33" East record) a distance of 13.80';

Thence, with the common lot line of Lots 5 and 6, South 56°04'14" West (South 56°01'00" West record) a distance of 435.17' (434.78' record) to the "Point Of Beginning" and containing 113,373 sq. ft. or 2.6027 acres.

This Survey is based on a field survey performed under my supervision and dated September 18, 2013.

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

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

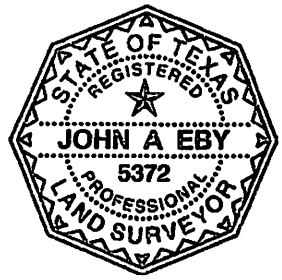


EXHIBIT "A"

M E M O R A N D U M

DATE: June 18, 2014

TO: The Honorable Mayor and City Council
Sean McGlynn, Interim City Manager

FROM: Michael McElroy, Planner

SUBJECT: **PZDS14-00014**

The City Plan Commission (CPC), on June 5, 2014, voted 6-0 to recommend **approval** of a detailed site development plan to permit the construction of a rehabilitation clinic.

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

Attachment:
Staff Report

City of El Paso – City Plan Commission Staff Report

Case No:	PZDS14-00014
Application Type:	Detailed Site Development Plan Review
CPC Hearing Date:	June 5, 2014
Staff Planner:	Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location:	4360 Doniphan Drive
Legal Description:	Lot 5 and a portion of Lot 4, Block 3, Keystone Business Park, City of El Paso, El Paso County, Texas
Acreage:	2.60 acres
Rep District:	8
Current Zoning:	C-4/sc (Commercial/special contract)
Existing Use:	Vacant
C/SC/SP/ZBA/LNC:	Yes; Condition (see attachment 5)
Request:	Detailed Site Development Plan Review
Property Owner:	Mentis REEP, LLC
Representative:	Sitework Engineering, LLC

SURROUNDING ZONING AND LAND USE

North: C-4/sc (Commercial/special contract) / Vacant
South: C-4/sc (Commercial/special contract) / Keystone Heritage Park
East: R-4 (Residential) / Retention Pond
West: R-2A (Residential) / Single Family Dwellings

PLAN EL PASO DESIGNATION: G-7 Industrial and/or Railyard (Northwest Planning Area)
NEAREST PARK: Keystone Heritage Wetlands (Immediately Adjacent)
NEAREST SCHOOL: Zach White Elementary (6,230)

NEIGHBORHOOD ASSOCIATIONS

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

NEIGHBORHOOD INPUT

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, Notice, of the El Paso City Code.

APPLICATION BACKGROUND

On February 17, 1987, City Council rezoned the subject property from R-4 (Residential) to C-4 (Commercial) and imposed conditions by a special contract attached to Ordinance No. 8929 (see Attachment 5). These conditions include platting, setback requirements, ROW dedications, a prohibition on billboards, vehicle ingress and egress restrictions, and the approval of a detailed site plan by the City Council prior to the issuance of building permits. Except for the detailed site plan review, all these conditions have been satisfied or are not applicable.

APPLICATION DESCRIPTION

The request is for a Detailed Site Development Plan Review as required by Ordinance No. 8929 (see Attachment #5). The detailed site development plan shows a new 19,855 sq. ft. one-story rehabilitation

clinic, with both inpatient and outpatient facilities. The development requires a minimum of 42 parking spaces; the applicant is providing 46 parking spaces and 3 bicycle spaces. Access to the subject property is proposed from Doniphan Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

ANALYSIS

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

A Detailed Site Development Plan review is required due to a condition imposed on the subject property.

20.04.150 Procedure.

C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:
   1. The site is two acres or less in size, and
   2. The site plan contains no more than two buildings, and
   3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
   4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
   5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

   If the zoning administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the city plan commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

The Detailed Site Development Plan review is not eligible for administrative approval as the special contract condition requires review and approval by the City Plan Commission and City Council.

D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
   1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
   2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
   3. The commission shall consider the following information when approving a proposed

detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.

4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, which meets the requirements, and is recommending approval.

Plan El Paso- Future Land Use Map Designation
All applications for detailed site plan review shall demonstrate compliance with the following criteria:

G-7 – Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.

COMMENTS:

Planning Division – Transportation
Recommend Approval.

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

City Development Department – City Development & Permitting
Recommended approval.

City Development Department - Land Development
No objections.

Fire Department
Recommend "Approval w/ conditions" of "Detailed Site Plan Application" as presented. 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. Conditions that shall be reflected in the revisions; 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), 503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. 503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

El Paso Water Utilities

Recommend Approval.

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

Within the westernmost portion of the existing 25-foot wide PSB Easement there are existing water and sanitary sewer mains. The mains are described in the following paragraphs under their respective sections. The El Paso Water Utilities – Public Service Board (EPWU-PSB) respectfully requests the Owner/Developer comply with the following items:

EPWU-PSB needs an un-obstructed area within the westernmost portion of the PSB Easement in order to enable the placement of the new water services for this Property.

EPWU-PSB requests for this portion of the Easement to be improved to allow the access and operation of EPWU maintenance vehicles.

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

EPWU-PSB Comments

Water:

1. From the intersection of Doniphan Drive and Osborne Drive, immediately north of Doniphan Drive there is an existing eight (8) inch diameter water main that extends towards the east. This main dead-ends at approximately 30 feet east of the boundary line common to both Lot 4 and 5, Keystone Business Park subdivision. This main is located within a twenty-five (25) foot wide PSB Easement. Service is available from this main.

2. Previous water pressure readings from fire hydrant number 10036 located along Doniphan Drive at approximately 1,208 feet east of Osborne Drive have yielded a static pressure of 84 pounds per square inch, a residual pressure of 78 pounds per square inch and a discharge of 1,034 gallons per minute. 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

1. From the intersection of Doniphan Drive and Osborne Drive, immediately north of Doniphan Drive there is an existing eight (8) inch diameter sanitary sewer main that extends towards the east. This main dead-ends at approximately 20 feet east of the boundary line common to both Lot 4 and 5, Keystone Business

Park subdivision. This main is located within the above described twenty-five (25) foot wide PSB Easement. Service is available from this main.

General:

1. 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.

2. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the existing/proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

3. 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.

4. The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

5. Use of low maintenance easement surface improvements is required. The Owner of the property is responsible for maintenance of the easement surface; surface maintenance is not the responsibility of EPWU-PSB.

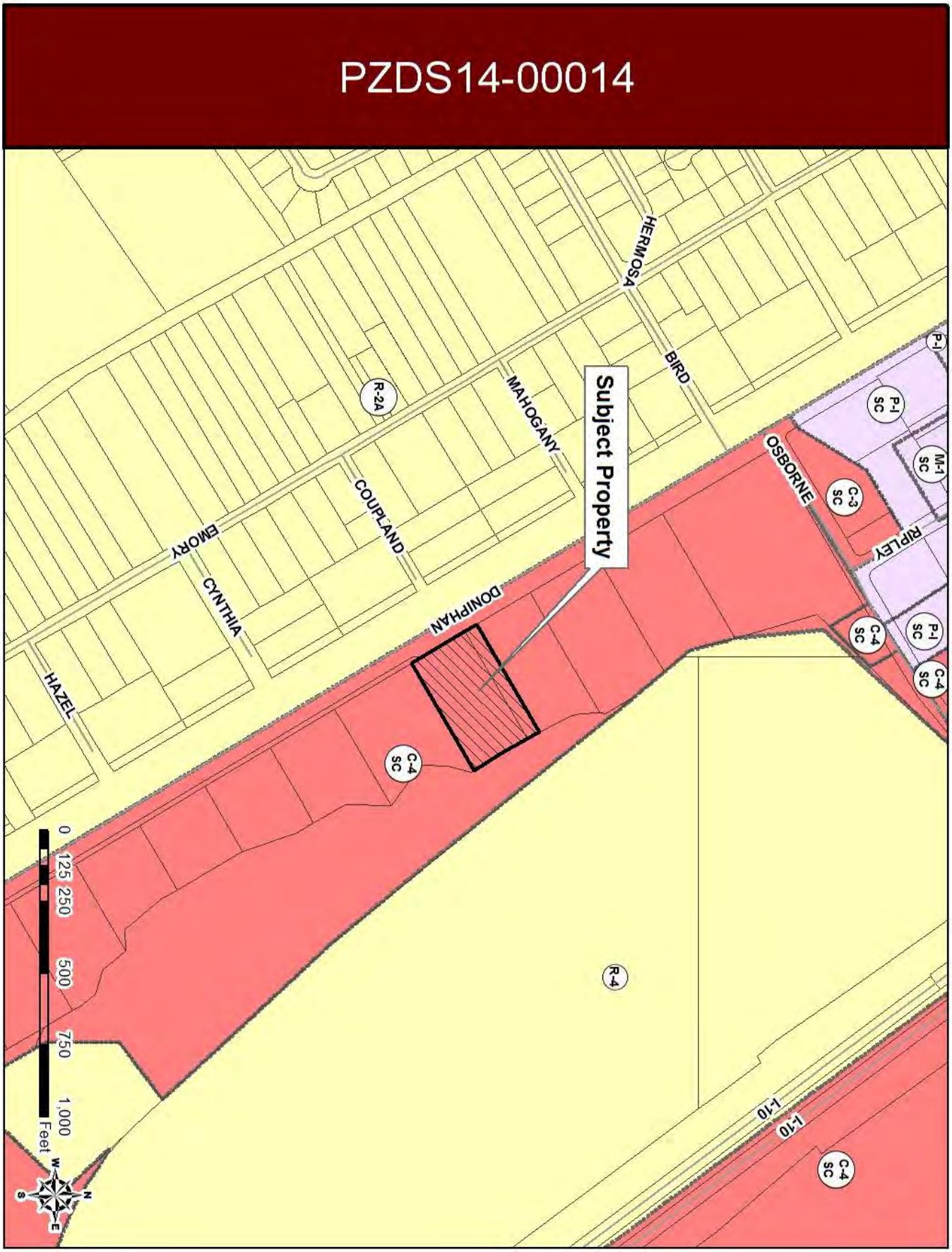
6. EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

7. 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, 3rd 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 Plan
4. Elevations
5. Ordinance No. 8929

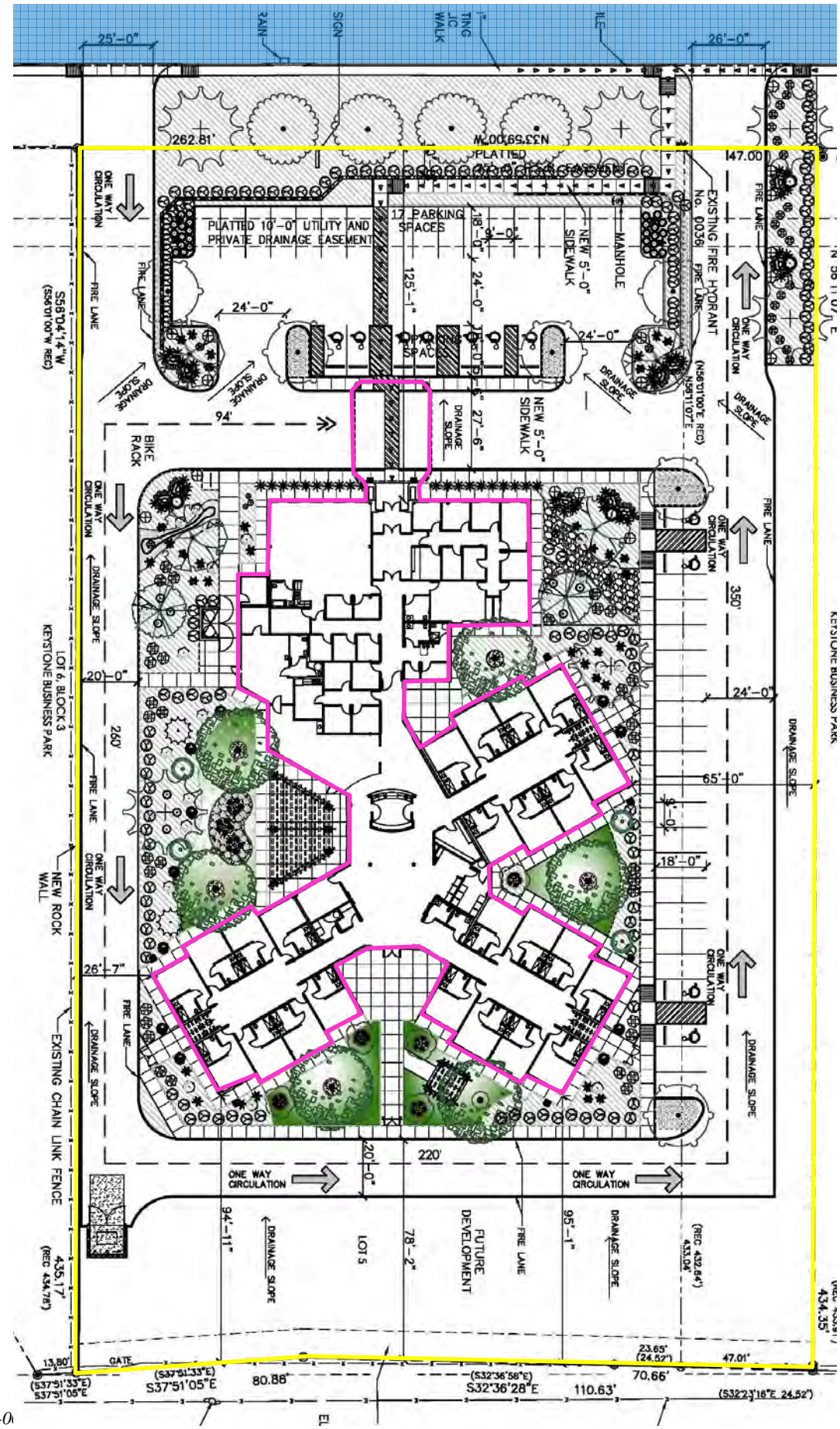
ATTACHMENT 1: ZONING MAP



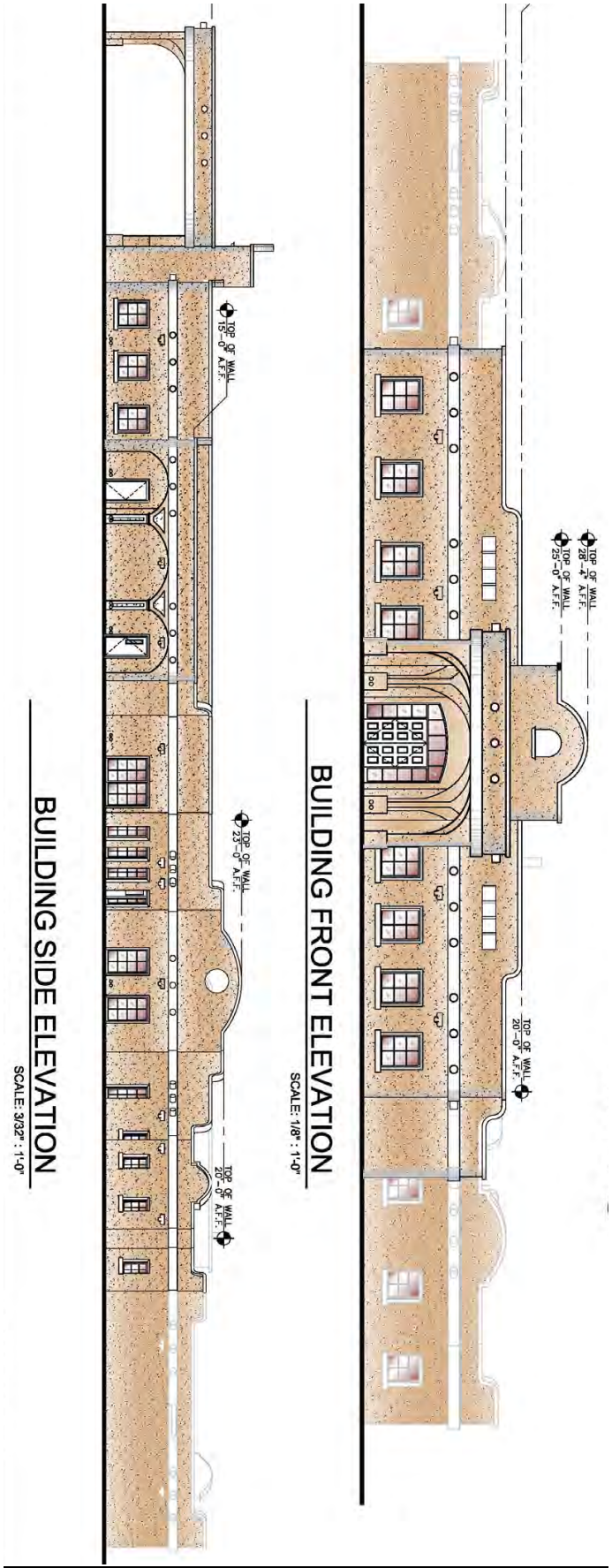
ATTACHMENT 2: AERIAL MAP



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ELEVATIONS



ATTACHMENT 5: ORDINANCE NO. 8929

008929

AN ORDINANCE CHANGING THE ZONING OF
A PORTION OF A.F. MILLER
SURVEY NO. 210 AND 213; C.A. ENGELSFREUND
SURVEY NO. 112; B.B.B. & C. RAILROAD
SURVEY NO. 154; G.L. WILSON SURVEY NO. 91
AND S.A. MAVERICK SURVEY NO. 174
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE

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

That the zoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 17th day of February, 1987.

Jonathan W Rogers
Mayor

ATTEST:
Carole Hunter
City Clerk

[illegible] that the zoning map has been revised [illegible] amendment of ordinance #8929
R Gonzalez Date 4-10-87

APPROVED AS TO FORM:
Ricardo Stanton III
Assistant City Attorney

[illegible] FOLLOWING [illegible]
C.D.
4-10-87
4-10-87
4-10-87 Bldg. Inspection
4-10-87 CONTROL
R Gonzalez

APPROVED AS TO CONTENT:
Roy Gilyard
Planning Department

ZNG5:86-5228

86-5228
RECEIVED
[illegible]
PLANNING DEPARTMENT

008929
Contract (2-17-87)

Portion A.F. MILLER SURVEY NOS. 210 & 213
And
Portion C.A. ENGELSFREUND SURVEY NO. 112
And
Portion B.B.B. & C. RAILROAD SURVEY NO. 154
And
Portion G.L. WILSON SURVEY NO. 91
And
Portion S.A. MAVERICK SURVEY NO. 174

El Paso, Texas

February 6, 1987

PARCEL NO. 7

Beginning at a point on the south boundary line of the C.A. Engelsfreund Survey No. 112; point being the southeast corner of the J.F. Driscoll Survey No. 372, City of El Paso, El Paso County, Texas:

Thence North along the east boundary of said J.F. Driscoll Survey No. 372 a distance of 428.78 feet:

Thence North 88°-23'-28" East a distance of 161.12 feet:

Thence North 01°-00'-10" West a distance of 185.51 feet to a point on the southwesterly right-of-way line of U.S. Interstate Highway No. 10:

Thence South 40°-06'-02" East along said southwesterly right-of-way line a distance of 340.17 feet to a point on the westerly right-of-way line of an El Paso Natural Gas Company right-of-way:

Thence South 47°-56'-58" West a distance of 78.56 feet to the northwest corner of said El Paso Natural Gas Company right-of-way:

Thence South 40°-06'-02" East along the northwesterly right-of-way line of said El Paso Natural Gas Company right-of-way a distance of 400.00 feet:

Thence South along the westerly right-of-way line of said El Paso Natural Gas Company right-of-way line a distance of 117.10 feet:

Thence South 64°-19'-00" West a distance of 987.40 feet:

Thence North 42°-08'-15" West a distance of 270.00 feet:

Thence South 56°-01'-00" West a distance of 571.17 feet:

EXHIBIT "A"

86-5228

Thence South 33°-59'-00" East a distance of 178.36 feet:

Thence South 64°-19'-00" West a distance of 472.69 feet to a point on the easterly right-of-way line of Doniphan Drive:

Thence North 33°-59'-00" West along said easterly right-of-way line a distance of 4456.35 feet to its intersection with the southerly right-of-way line of Osborne Drive:

Thence North 56°-01'-00" East along said southerly right-of-way line a distance of 863.21 feet:

Thence continuing along said southerly right-of-way line North 49°-53'-58" East a distance of 625.67 feet:

Thence South 42°-21'-41" West a distance of 124.77 feet:

Thence South 41°-15'-15" West a distance of 790.80 feet:

Thence South 17°-53'-15" East a distance of 434.25 feet:

Thence South 42°-33'-17" East a distance of 222.45 feet:

Thence South 41°-09'-20" East a distance of 1364.70 feet:

Thence South 44°-50'-18" East a distance of 851.76 feet:

Thence South 56°-01'-00" West a distance of 209.03 feet:

Thence South 03°-43'-42" East a distance of 260.77 feet:

Thence South 33°-59'-00" East a distance of 304.62 feet:

Thence North 45°-36'-00" East a distance of 431.28 feet:

Thence North 44°-24'-00" West a distance of 371.29 feet to the P.C. of a curve to the left:

Thence southeasterly along said curve to the left an arc distance of 1025.04 feet to a point on the west boundary line of J.F. Driscoll Survey No. 372; curve having a radius of 988.03 feet, a central angle of 59°-26'-32" and a long chord bearing of South 72°-31'-00" East a distance of 979.69 feet:

Thence South along said west boundary line a distance of 311.60 feet to the southwest corner of said J.F. Driscoll Survey No. 372:

Thence East along the south boundary line of said J.F. Driscoll Survey No. 372 a distance of 417.50 feet to the point of beginning.

Described parcel lies within said A.F. Miller Survey Nos. 210 & 213, C.A. Engelsfreund Survey No. 112, B.B.B. & C. Railroad Survey No. 154, G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174 and contains 3912830.26 square feet equal to 89.826 acres.

Geo. G. Kistenmacher
Registered Public Surveyor
Texas No. 2604

STATE OF TEXAS
GEO. G. KISTENMACHER
2604
REGISTERED PUBLIC SURVEYOR

RESOLUTION

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

That the Mayor be authorized to sign a contract between the CITY OF EL PASO and TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008929, more particularly described as a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174.

ADOPTED this 17th day of February, 1987.

Jonathan W Rogers
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Ricardo Gaudo
Assistant City Attorney

ZNG5:86-5228

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[illegible] DEPARTMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, as property owner, of the County of El Paso, State of Texas, hereinafter referred to as Grantor, whether one or more, for and in consideration of the rezoning of a portion of C.A. Engelsfreund Survey No. 112, B.B.B. & C. Railroad Survey No. 154, G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is hereby acknowledged, have granted, sold and conveyed and by these presents do grant and convey unto the City of El Paso, the following parcel of land situated in the County of El Paso, State of Texas, as more particularly described below:

Legal description of a parcel of land being a portion of B.B.B. & C. Railroad Company Survey No. 154, C.A. Engelsfreund Survey No. 112, G.A. Wilson Survey No. 91 and the S.A. Maverick Survey No. 174, being more particularly described as follows:

Commencing at a monument Station 60+84.30 being the intersection of the monument line of Doniphan Drive with the centerline of the right-of-way of Bird Road, thence North 33°59'00" West, along the monument line of Doniphan Drive, a distance of one hundred seventy-four and twenty-five hundredths (174.25) feet to a monument on Osborne Drive, thence North 56°01'00" East, along the monument line of Osborne Drive, a distance of fifty and zero hundredths (50.00) feet, thence South 33°59'00" East, a distance of thirty and zero hundredths (30.00) feet, to the southerly right-of-way line of Osborne Drive, same being the TRUE POINT OF BEGINNING.

Thence, North 56°01'00" East, along the southerly right-of-way line of Osborne Drive, a distance of twenty and zero hundredths (20.00) feet;

Thence, South 33°59'00" East, a distance of four thousand four hundred fifty-nine and twenty-seven hundredths (4459.27) feet;

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

Thence North 33°59'00" West, along the easterly right-of-way line of Doniphan Drive, a distance of four thousand four hundred fifty-six and thirty-five hundredths (4456.35) feet to the point of beginning;

Said parcel of land contains 89,156.17 square feet or 2.047 acres more or less.

TO HAVE AND TO HOLD the above-described premises, together with

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Ord # 8929
Contract

all and singular the rights and appurtenances thereto in anywise belonging, unto the said City of El Paso and its assigns, forever; and the Grantors do hereby bind themselves, their heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular and said premises unto the said City of El Paso and its assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under us but not otherwise.

WITNESS the following signatures this 31 day of March, 1987.

PROPERTY OWNER:
TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED

By William C. Geyer
Title Sen Vice Pres

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 31 day of March, 1987, by WILLIAM C. GEYER as representative on behalf of TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED.

Notary Public, State of Texas

My Commission Expires:
JOSEPH N. SAYLAY, Notary Public
For the State of Texas
My Commission Expires 6-1-88

2NG5:86-5228

39459

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 17th day of February, 1987, by and between TEXAS COMMERCE BANK - EL PASO, NA, INDEPENDENT EXECUTOR AND TRUSTEE UNDER THE WILL OF MARY WHITE BOYKIN, DECEASED, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of A.F. Miller Survey No. 210 and 213; C.A. Engelsfreund Survey No. 112; B.B.B. & C. Railroad Survey No. 154; G.L. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Party covenants that if the property is rezoned from R-4 (Residential) to C-4 (Commercial) within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Prior to the issuance of any building permits, a subdivision plat must be approved by the City Plan Commission and filed of record with the County Clerk.

2. No building(s) shall be constructed closer than fifty (50) feet to the southerly property line adjacent to St. Judes Church and the Pacific Park Subdivision.

3. At the time the rezoning request is approved by the Mayor and City Council, the property owner shall dedicate twenty (20) feet of right-of-way for the widening of Doniphan Drive.

4. An additional twenty (20) foot wide special building setback line shall be established adjacent to the twenty (20) feet of right-of-way being dedicated in Condition No. 3 of this contract.

   No building(s) or structures(s) shall be constructed within the special building setback line, except that surplus off-street parking shall be allowed.

5. The property shall not be used for any type of residential purposes.

6. There shall be no vehicular ingress and egress from this property to Hidden Way.

7. Within two (2) years from the date of this contract, either upon written demand by the City of El Paso or upon demand of the property owner, the property owner shall sell to the City a 2.87 acre parcel of land adjacent to the existing Northwest Corral at a price that is mutually agreed upon by both parties.

   If the City fails to exercise its option within two (2) years,

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PLANNING DEPARTMENT

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the property owner shall be released from this requirement of the contract.

8. No billboards will be allowed on the property.

9. Prior to the issuance of any building permits, the property owner shall submit a site plan to be approved by the City Plan Commission and City Council.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its direction without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

ATTEST:

Secretary

FIRST PARTY:
TEXAS COMMERCE BANK - EL PASO

By William C Gegu
Title Sec Vice Pres

ATTEST:

City Clerk

SECOND PARTY:
CITY OF EL PASO

By
Mayor

APPROVED AS TO CONTENT:

Planning Department

APPROVED AS TO FORM:

Assistant City Attorney

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 30 day of March, 1987, by [illegible], as [illegible], for TEXAS COMMERCE BANK - EL PASO.

Notary Public, State of Texas

My Commission Expires:
[illegible] Notary Public
[illegible] Texas
[illegible] Expires [illegible]

1789 0880

TO		DATE
	ZONING/LAND DEVELOPMENT SECTION	
V	MAPPING SECTION Paul Perez	4-7-87
	MPO SECTION	
	SPECIAL PERMIT/SITE DEVELOPMENT PLAN	
	DIRECTOR	
	SUBDIVISION COORDINATOR	
	STREET NAMES and HOUSE NUMBERS COORDINATOR	

REPRODUCE:

RETURN TO: b

BY (date):

ORDINANCE NO. 8928

DATE: 2/17/87

CONTRACT: attached

DATE: 2/17/87

CASE NO. 86-5226

NOTES:

Special Warranty Deed (attached) 3/3/87

ATTACHMENT 5: ORDINANCE NO. 8929 (CONTINUED)

008928

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 12A, A.F. MILLER SURVEY NO. 210, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE

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

That the zoning of a portion of Tract 12A, A.F. Miller Survey No. 210, as more particularly described by metes and bounds in the attached Exhibits "A", "B", "C" and "D", be changed from R-4 (Residential) to C-3 (Commercial) (Parcel No. 1 - 2.486 acres), C-3 (Commercial) (Parcel No. 2 - 4.221 acres), C-4 (Commercial) (Parcel No. 3 - 1.459 acres), C-4 (Commercial) (Parcel No. 4 - 1.416 acres) within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 17th day of February, 1987.

Jonathan W. Rogers
Mayor

ATTEST:
Carole Hunter
City Clerk

APPROVED AS TO FORM:
Assistant City Attorney

APPROVED AS TO CONTENT:
Planning Department

ZNG5:86-5226

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: E.D.
4-8-87 COUNTER
4-8-87 ORIGINAL
4-8-87 Bldg. Inspection
4-8-87 CONTROL
R. Gonzalez

I certify that the zoning map has been revised to reflect the amendment of ordinance #8929
R. Gonzalez Date 4-8-87

86-5226
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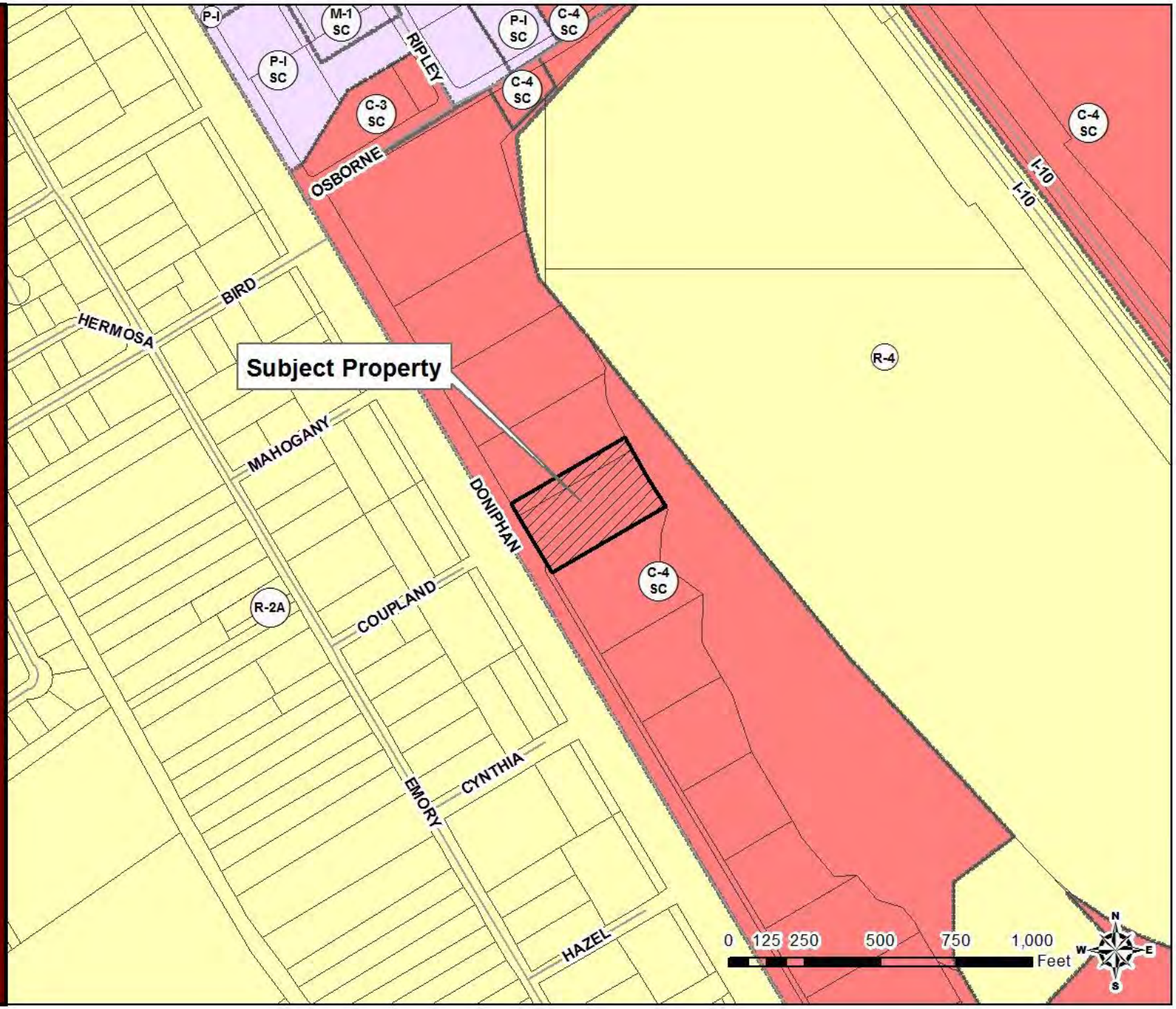
MAR 3 - 1987
PLANNING DEPARTMENT

Contract (2-17-87)
008928 Deed (3-3-87)

PZDS14-00014

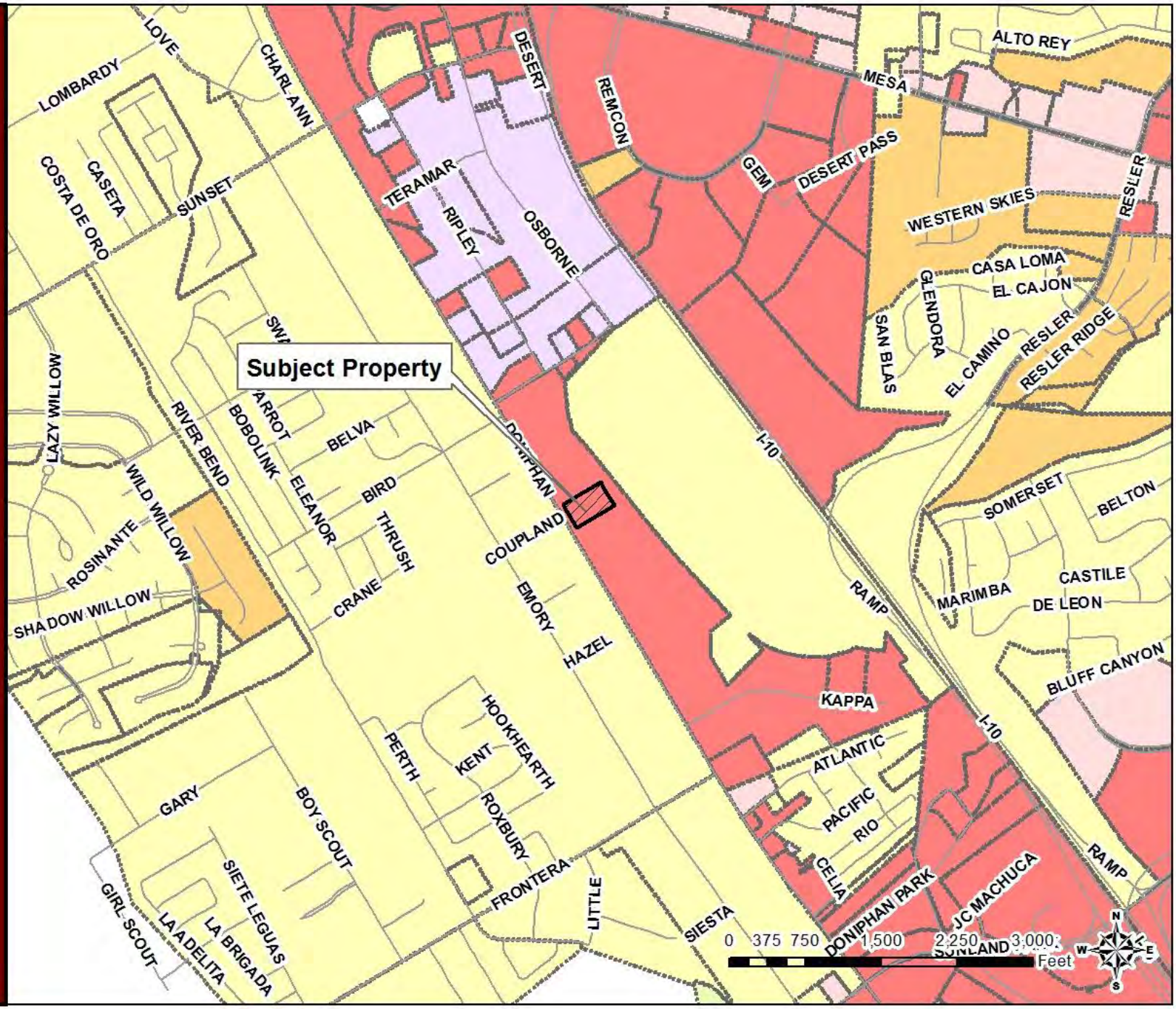


PZDS14-00014

4360 Doniphan

- City Development Department Recommendation: Approval
- City Plan Commission (CPC): Approval (6-0)
- Resident Input: None Received

PZDS14-00014



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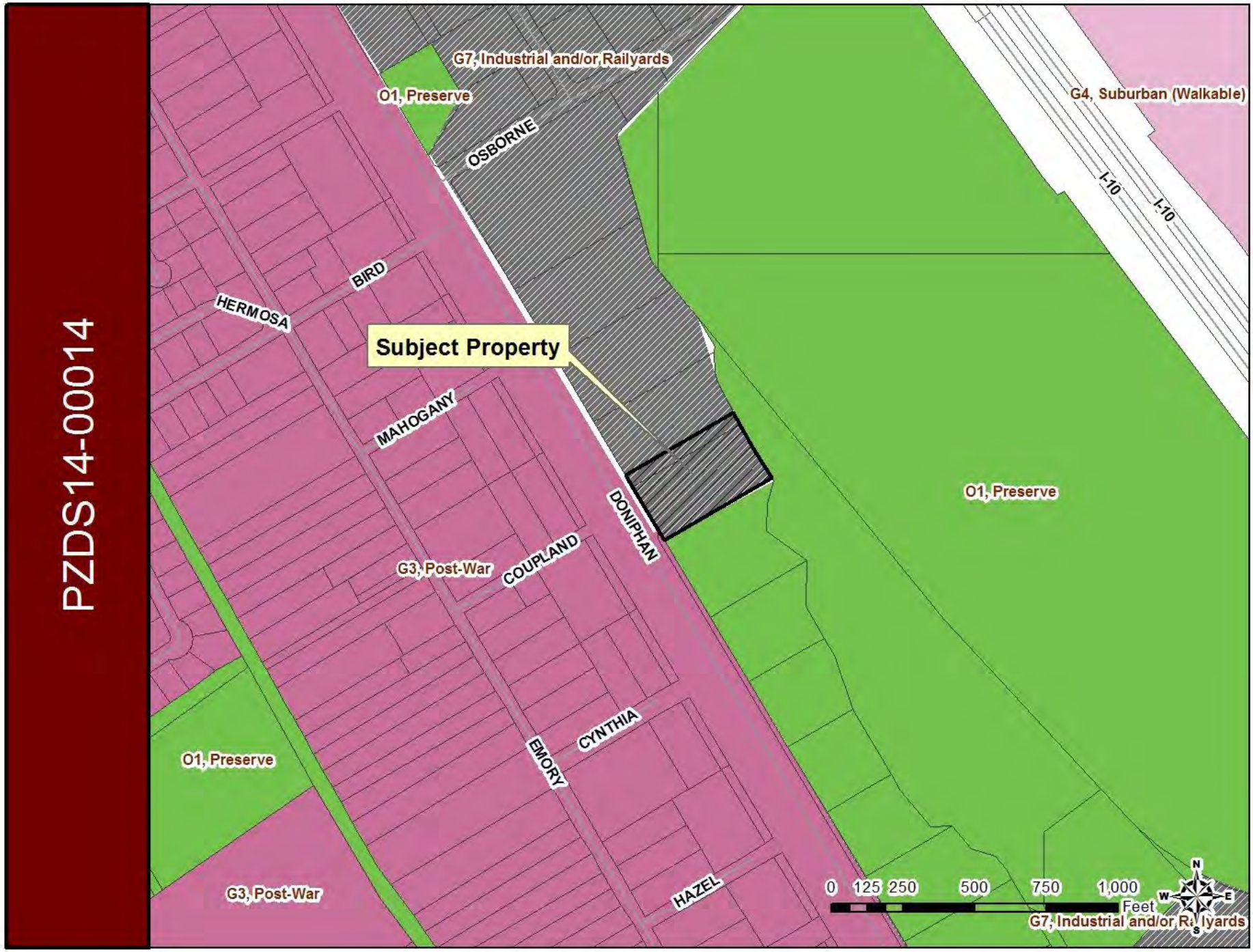
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G7, Industrial and/or Railyards
O1, Preserve
OSBORNE
G4, Suburban (Walkable)
I-10
I-10
BIRD
HERMOSA
Subject Property
MAHOGANY
DONIPHAN
O1, Preserve
G3, Post-War
COUPLAND
CYNTHIA
EMORY
O1, Preserve
G3, Post-War
HAZEL
0 125 250 500 750 1,000
Feet
N
W
E
S
G7, Industrial and/or Railyards

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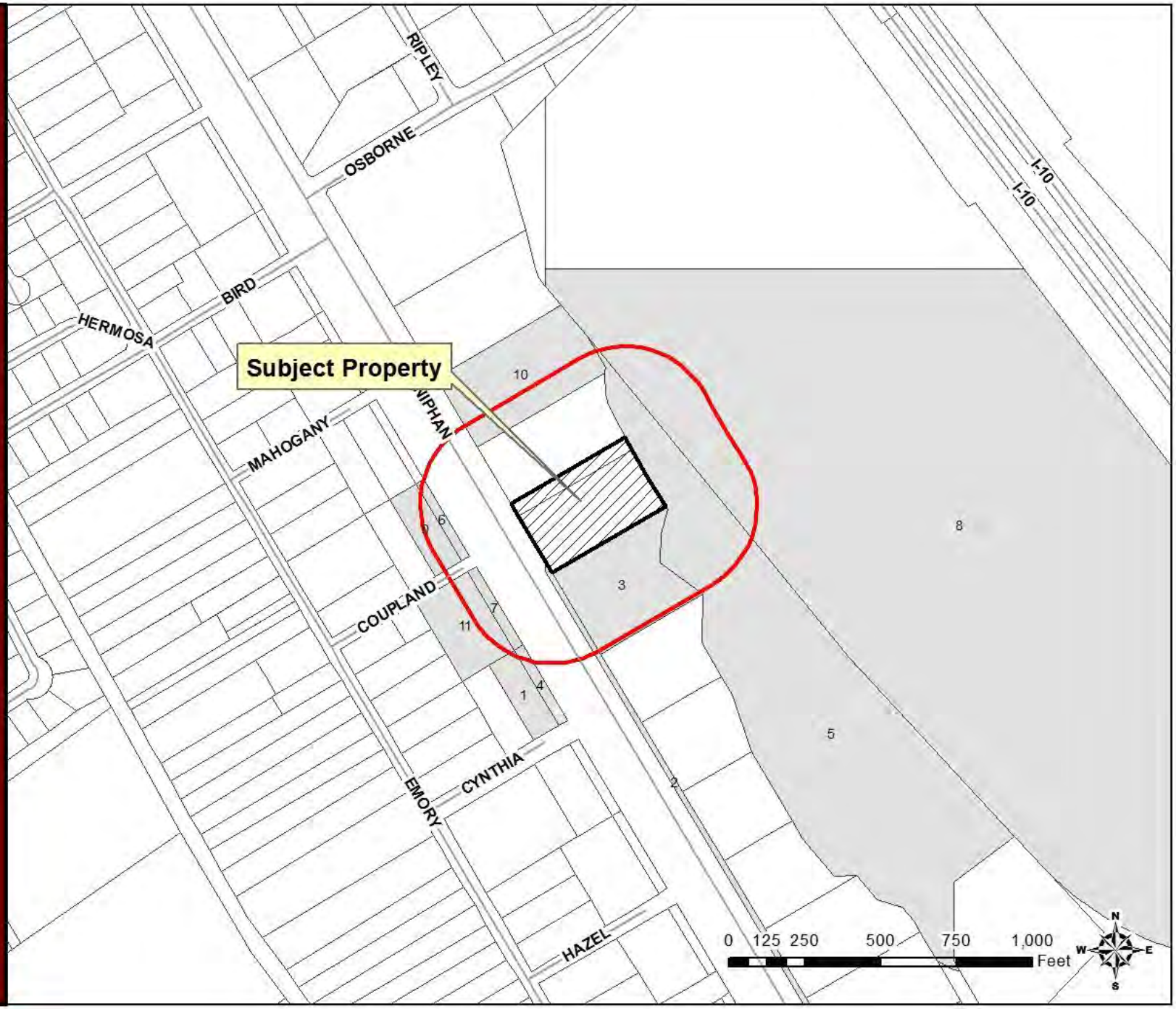
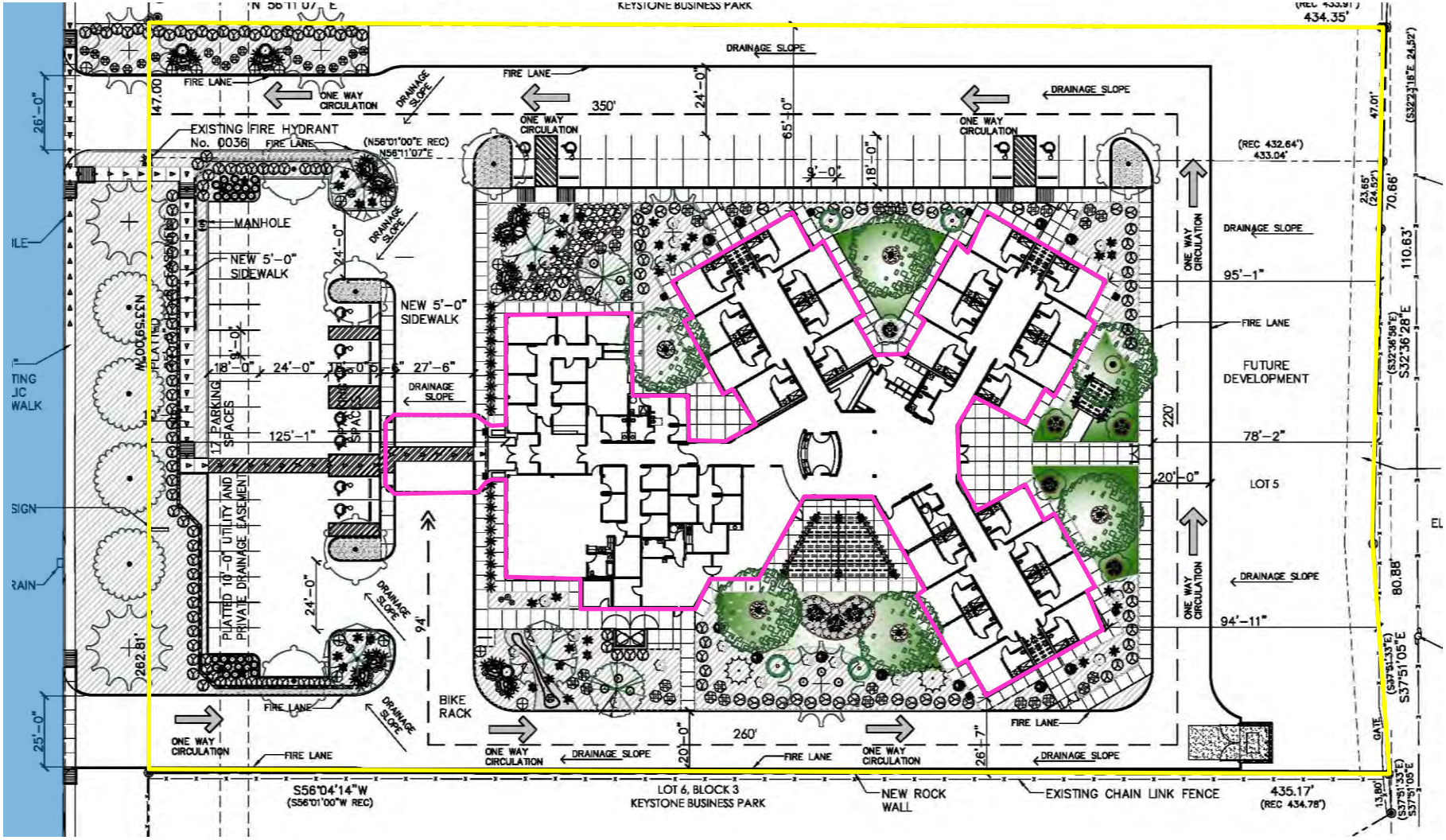


Detailed Site Development Plan





Subject Property & East


West


North


South

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