

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

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

**AGENDA DATE:** Introduction: September 16, 2014  
Public Hearing: October 7, 2014

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

**DISTRICT(S) AFFECTED:** 3

**SUBJECT:**

An Ordinance releasing all conditions placed on property by Resolution approved on October 23, 1956 which changed the zoning of a portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, 6966 Market Avenue, 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: 6966 Market Avenue. Property Owner: HW McKinney Jr. Wrecking, Inc. PZCR14-00006 (**District 3**)

**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 (8-0)

CITY CLERK DEPT.  
2014 SEP -8 PM 5:01

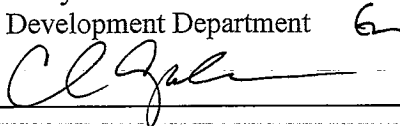
\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**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 RELEASING ALL CONDITIONS PLACED ON PROPERTY BY RESOLUTION APPROVED ON OCTOBER 23, 1956 WHICH CHANGED THE ZONING OF A PORTION OF LOTS 21 AND 26 AND ALL OF LOTS 22 THROUGH 25, BLOCK 9, EASTSIDE INDUSTRIAL DISTRICT UNIT ONE, 6966 MARKET AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *a portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, 6966 Market Avenue, City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, was rezoned by Resolution approved by City Council on October 23, 1956; 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 or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of 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 certain 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 Resolution approved by City Council on *October 23, 1956* on the portion of land identified in Exhibit "B" 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 Exhibits "B."*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

PZCR14-00006

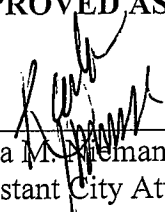
THE CITY OF EL PASO

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

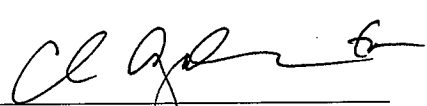
ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

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

PZCR14-00006

A portion of Lots 21 and 26 and all of  
Lots 22 through 25, Block 9,  
Eastside Industrial District Unit One,  
City of El Paso, El Paso County, Texas

June 26, 2014

**METES AND BOUNDS DESCRIPTION**

6966 Market Street

Exhibit "A"

**FIELD NOTE DESCRIPTION** of a portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

**COMMENCING FOR REFERENCE** at a point located at the common boundary line of Lots 26 and 27, same being the southerly right-of-way line of Market Street (60' R.O.W.); **THENCE**, leaving said common boundary line of Lots 26 and 27 and along said southerly right-of-way line of Market Street, North 72°03'48" West, a distance of 26.46 feet to a found iron rod at the **POINT OF BEGINNING** of the herein described parcel;

**THENCE**, leaving said southerly right-of-way line, South 17°56'12" West, a distance of 314.90 feet to a point;

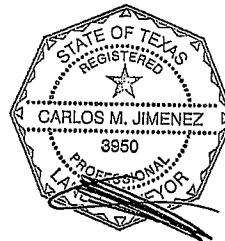
**THENCE**, North 72°03'48" West, a distance of 228.69 feet to a point;

**THENCE**, North 17°56'12" East, a distance of 314.90 feet to a found iron rod for corner;

**THENCE**, South 72°03'48" East, a distance of 228.69 feet to the **POINT OF BEGINNING** of the herein described lot and containing 72,014.48 square feet or 1.6532 Acres of land more or less.

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

CAD CONSULTING COMPANY.  
1790 Lee Trevino Suite # 503  
El Paso, Texas 79936  
(915) 633-6422  
13-1748.wpd





## CONTRACT

*Not Signed*  
*Harry O. Rearick*  
*East Side Industrial District (1st Section)*

This contract made this 23rd day of October 1956, by and between Pat Dewitt and Harry O. Rearick, copartners doing business as Dewitt & Rearick, hereinafter called First Parties, and the City of El Paso, hereinafter called Second Party, witnesseth:

First Parties have applied to Second Party for the approval of a subdivision map or plat styled the East Side Industrial District, as per copy of said map and plat attached hereto and made a part hereof, and whereas the Planning Commission of the City of El Paso has raised some objection to the use of said property because of its location and to remove objections to the same First Parties have consented if the property is rezoned as requested and the plat approved, to place the hereinafter described restrictions therein:

(1) No premises or building in said district shall be used for other than industrial, commercial and warehousing purposes.

(2) None of said building sites designated on said map or plat may be used for any purpose or use which would constitute a nuisance or which would cause the emission of odors which are injurious or noxious to persons.

(3) No building or structure shall ever be erected on said building sites which shall be nearer than 35 feet to the property line of the road now designated as F.M. 2233 or nearer than 25 feet to the line of any other established access road or frontage road or any cross streets or nearer than 15 feet to the side line of any property.

(4) No structures (including billboards) shall be erected within the areas required for ~~front yard, side street yards~~ <sup>yard</sup> without the approval of the City Council.

(5) No billboard or advertising signs other than those identifying the name, business, and products of the person or firm occupying the premises shall be permitted ~~on any building~~. <sup>ALL SUCH STRUCTURES SHALL BE AFFIXED TO THE</sup> No billboard or identifying sign shall be erected to a height greater than five feet higher than the main building on the same site. A sign not to exceed 10' x 20' in size offering the premises for sale or lease may be erected.

(6) ~~Necessary~~ building use shall be construed to permit the keeping of articles, goods, or materials in the open or exposed to public view on the front one-third of the parcel. When necessary to store or keep such materials in the open, the lot or area shall be limited to the rear two-thirds of the property and this area shall be screened by a masonry fence six feet in height measured from the grade of the ground on the high side.

Building sites in the East Side Industrial District shall not be used for any of the following businesses:

The manufacture of paper.  
Storage in bulk of junk or secondhand material.  
Public blacksmith.  
Public horseshoeing.  
Public wagon shop.  
Public veterinary hospital.  
Public stable.  
Dairy.  
Iron foundry.  
Butane or propane.  
Automobile wrecking.  
Operation of amine or a quarry.

or for the manufacture, storage or distribution of explosives including:

*check all  
explosives*

Acetylides.  
Azides.  
Chlorates.  
Dynamite.  
Blasting gelatin.  
Fulminates. (FULMINATES)  
Anhydrous hydrazine.  
Ammonium nitrate.  
Dinitroresorcinol.  
Dinitrotoluene.  
Guanidine nitrate.  
Gun cotton (Cellulose, Nitrate or Pyroxylin).  
Hexamine.  
Nitroglycerine. - 1  
Fetn.  
Picric Acid.  
Tetryl.  
Gylonite or Hexogen.  
Dinut.  
Petryl.  
TNT  
Perchlorates (when mixed with carbonaceous materials)  
Black powder.  
Greek fire.  
Fireworks.  
Permanganates.  
Peroxides.

(7) Off-street parking facilities on the premises (in back of the front yard line) shall be provided on each building site to provide adequate space for customers, employees and tenants of the business on said sites.

(8) No loading docks will be permitted to front on the highway now known as F.M. 2233 and provisions for the handling of freight by rail or otherwise shall be provided on the sides of building which do not face a frontage street and all other loading docks shall be located at least 75 feet from the front property line of the site.

(9) No plant of any nature shall create noise in excess of the limits in the following table:

<u>Maximum Sound Pressure Level in Decibels 0.0002 dynes per sq. Centimeter.</u>		
<u>Octave Band in Cycles per Second</u>	<u>Resident Dist. Boundaries</u>	<u>Industrial District Dist. Boundaries</u>
0-75	72	79
75-150	63	74
150-300	55	66
300-600	49	59
600-1200	44	53
1200-2400	39	47
2400-4800	34	41
above 4800	32	39

Objectionable noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to properties in or outside the District.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements are to be taken at the property lines of the site.

(10) No plant shall permit emission of smoke from any source whatever during normal operation of a density greater than that density described as No. 1 on the Ringelmann Chart.

For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines which is hereby made a part of these restrictions shall be the standards.

(11) No plant shall employ any process that will emit any dirt, dust, sprays, or mists into the air that will be transmitted beyond their property lines during normal operations.

(12) Incandescent lights shall be so located and shielded that no incandescent light source will be directly visible from the right of way of F.M. 2233. Direct or reflected light in a horizontal plane at a height of 6' at the right of way line of F.M. 2233 shall not exceed an intensity of 20 footcandles.

(13) No plant shall emit any toxic or corrosive gas under any condition.

(14) All welding and heating operations normal to any plant shall be screened from <sup>the</sup> view of adjacent properties or roadways. No operation shall be carried on that would produce heat <sup>2</sup> which the operation is located as measured in a horizontal plane to a distance of 24 feet above the ground level of the site. *omission*

(15) All sites shall be landscaped and maintained by the planting of grass in the front set back area, ~~and~~ the planting of evergreen shrubs on an average of every twenty feet of building width shall be required.

(16) Development of all parcels shall conform to the requirements of the Comprehensive Zoning Ordinance of the City of El Paso.

The above agreement by First Parties shall constitute covenants running with the land and easements and servitudes thereon and be binding on First Parties and their successors in title and may be enforced by Second Party by injunction or any other remedy.

The City Council of the City of El Paso may release the above restrictions or any one or number of them in whole or in relation to any particular site, without the consent of any third person who may be benefitted thereby.

site, without the consent of any third person who may be benefitted thereby.

Witness the following signatures and seal:

  
Pat DeWitt

  
Harry O. Rearick

THE CITY OF EL PASO

by   
Mayor

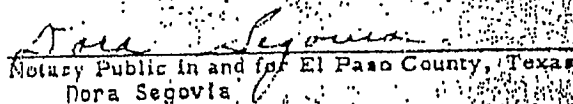
ATTEST:

  
City Clerk

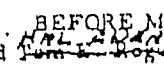
THE STATE OF TEXAS |  
COUNTY OF EL PASO |

BEFORE ME, the undersigned authority, on this day personally appeared Pat DeWitt and Harry O. Rearick, dba DeWitt & Rearick, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

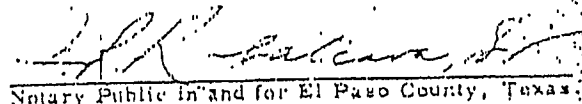
GIVEN UNDER MY HAND AND OFFICIAL SEAL this 22nd day of October 1956.

  
Notary Public in and for El Paso County, Texas  
Dora Segovia

THE STATE OF TEXAS |  
COUNTY OF EL PASO |

BEFORE ME, the undersigned authority, on this day personally appeared , Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 20th day of October 1956.

  
Notary Public in and for El Paso County, Texas

## MEMORANDUM

**DATE:** September 4, 2014

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZCR14-00006

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The City Plan Commission (CPC), on August 28, 2014, voted **8-0** to recommend **approval** of the condition release request for the subject property.

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.

No opposition.

**Property Owner:** HW McKinney Jr. Wrecking, Inc.  
**Representative:** Cesar Molina

**Attachments:**  
Staff Report



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

**Case No:** PZCR14-00006 (Related to Rezoning Application PZRZ14-00032)  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** August 28, 2014  
**Staff Planner:** Andrew Salloum, 915-212-1613, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 6966 Market Avenue  
**Legal Description:** A portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, City of El Paso, El Paso County, Texas  
**Acreage:** 1.6532 acres  
**Rep District:** 3  
**Zoning:** M-1/sc (Light Manufacturing/special contract)  
**Existing Use:** Office warehouse  
**C/SC/SP/ZBA/LNC:** Special contract dated October 23, 1956 (see Attachment #4)  
**Request:** Release of all conditions imposed by special contract dated October 23, 1956  
**Proposed Use:** Salvage yard

**Property Owner:** HW McKinney Jr. Wrecking, Inc.  
**Representative:** Cesar Molina

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

**North:** M-1/sc (Manufacturing/special contract) / Office warehouse  
**South:** M-1 (Manufacturing) / Office warehouse and product manufacturing  
**East:** M-1/sc (Manufacturing/special contract) / Product manufacturing  
**West:** M-1/sc (Manufacturing/special contract) / Office warehouse

**PLAN EL PASO DESIGNATION:** G-7 Industrial and/or Railyards (Mission Valley Planning Area)

**NEAREST PARK:** Vista del Valle Park (5,754 feet)

**NEAREST SCHOOL:** Del Norte Heights Elementary (6,341 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

There are no registered neighborhood associations in the area. This was verified through Community Development Department data on recognized neighborhood associations.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on July 30, 2014. When the CPC meeting was rescheduled for August 28, 2014, a re-notification was mailed out on August 13, 2014. The Planning Division has not received any phone calls or letters in support or opposition to the rezoning request.

### **CASE HISTORY**

On October 23, 1956, City Council approved the rezoning request for the subject property to M-1 (Light Manufacturing) and imposed the following special contract conditions summarized below (see Attachment #4):

1. *No premises or building in said district shall be used for other than industrial, commercial and warehousing purposes, (existing code requirement).*
2. *None of said building sites designated on said map or plat may be used for any purpose or use which would constitute a nuisance or which would cause the omission of odors which are injurious or*

- noxious to persons, (existing code requirement).*
3. *No building or structure shall ever be erected on said building sites which shall be nearer than 35 feet to the property line of the road now designated as F.M. 2233 (I-10) or nearer than 25 feet to the line of any other established access road or frontage road or any cross streets or nearer than 15 feet to the side line of any property, (not necessary).*
  4. *No structures (including billboards) shall be erected within the areas required for front yard, side street yards without the approval of the City Council, (existing code requirement).*
  5. *No billboard or advertising signs other than those identifying the name, business, and products of the person or firm occupying the premises shall be permitted on any building, see attachment #4, (not necessary).*
  6. *No accessory building use shall be construed to permit the keeping of articles, goods, or materials in the open or exposed to public view on the front one-third of the parcel, see attachment #4, (existing code requirement).*
  7. *Off-street parking facilities on the premises in back of the front yard line shall be provided on each building site to provide adequate space for customers, employees and tenants of the business on said sites, (existing code requirement).*
  8. *No loading docks will be permitted to front on the highway now known as F.M. 2233 (I-10), see attachment #4, (not necessary).*
  9. *No plant of any nature shall create noise in excess of the limits in the following table, see attachment #4, (existing code requirement).*
  10. *No plant shall permit emission of smoke from any source whatever during normal operation of a density greater than that density described as No. 1 on the Ringlemann Chart, see attachment #4, (existing code requirement).*
  11. *No plant shall employ any process that will emit any dirt, dust, sprays, or mists into air that will be transmitted beyond their property lines during normal operations, (existing code requirement).*
  12. *Incandescent lights shall be so located and shielded that no incandescent light source will be directly visible from the right of way of F.M. 2233 (I-10), see attachment #4, (not necessary).*
  13. *No plant shall emit any toxic or corrosive gas under any condition, (existing code requirement).*
  14. *All welding and heating operation normal to any plant shall be screened from the view of adjacent properties or roadways, (existing code requirement).*
  15. *All sites shall be landscaped and maintained by the planting of grass in the front set back area, see attachment #4 (existing code requirement).*
  16. *Development of all parcels shall conform to the requirements of the Comprehensive Zoning Ordinance of the City of El Paso, (existing code requirement).*

#### **APPLICATION DESCRIPTION**

The applicant is requesting to release all conditions imposed on the property by special contract, dated October 23, 1956, (see Attachment #4). The conditions imposed by the rezoning special contract 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. This case is related to rezoning application (PZRZ14-00032).

#### **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-7 Industrial and/or Railyards: 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 M-2 (Heavy Manufacturing) district is to provide for the most intensive of industrial uses which may be characteristic of nuisance or hazardous conditions. It is intended that the districts will serve the entire city. The regulations of the districts will require reasonable standards for the protection and preservation of the compatibility of such uses and adjacent areas.

**COMMENTS:**

**Planning Division - Transportation**

TIA is not required.

**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**

No Objection to proposed conditions release.

**City Development Department - Land Development**

No objections.

**Fire Department**

The fire department has no objections to the condition release case of PZCR14-00006.

**El Paso Water Utilities**

EPWU does not object to this request.

**Water:**

There is an existing 8-inch diameter water main extending along Market Avenue that is available for service, the water main is located approximately 8-ft from the north right-of-way.

EPWU records indicates one (1) active 2-inch water meter serving the subject property. The service addresses for this meters is 6966 Market Avenue.

Previous water pressure readings from fire hydrant number 1483 1200-feet west of the intersection of Market Avenue and Hawkins Blvd., have yielded a static pressure of 120 pounds per square inch (psi), residual pressure of 100 psi and a discharge of 1,483 gallons per minute (gpm). 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:**

There is an existing 12-inch diameter sanitary sewer main extending along Market Avenue that is available for service, the sewer main is located approximately 25-ft from the south right-of-way.

**General:**

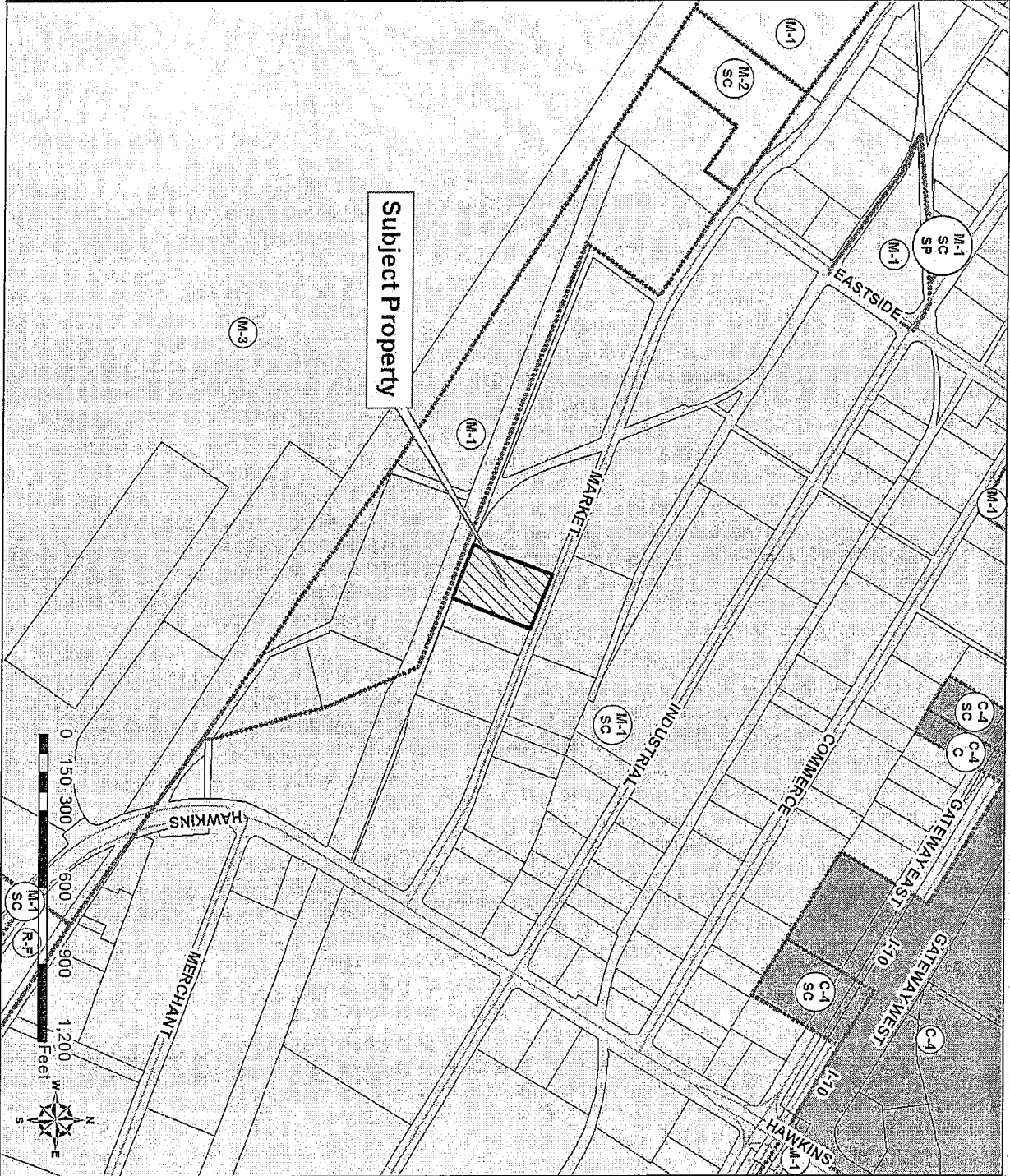
EPWU requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current 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.

**Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Special Contract dated October 23, 1956

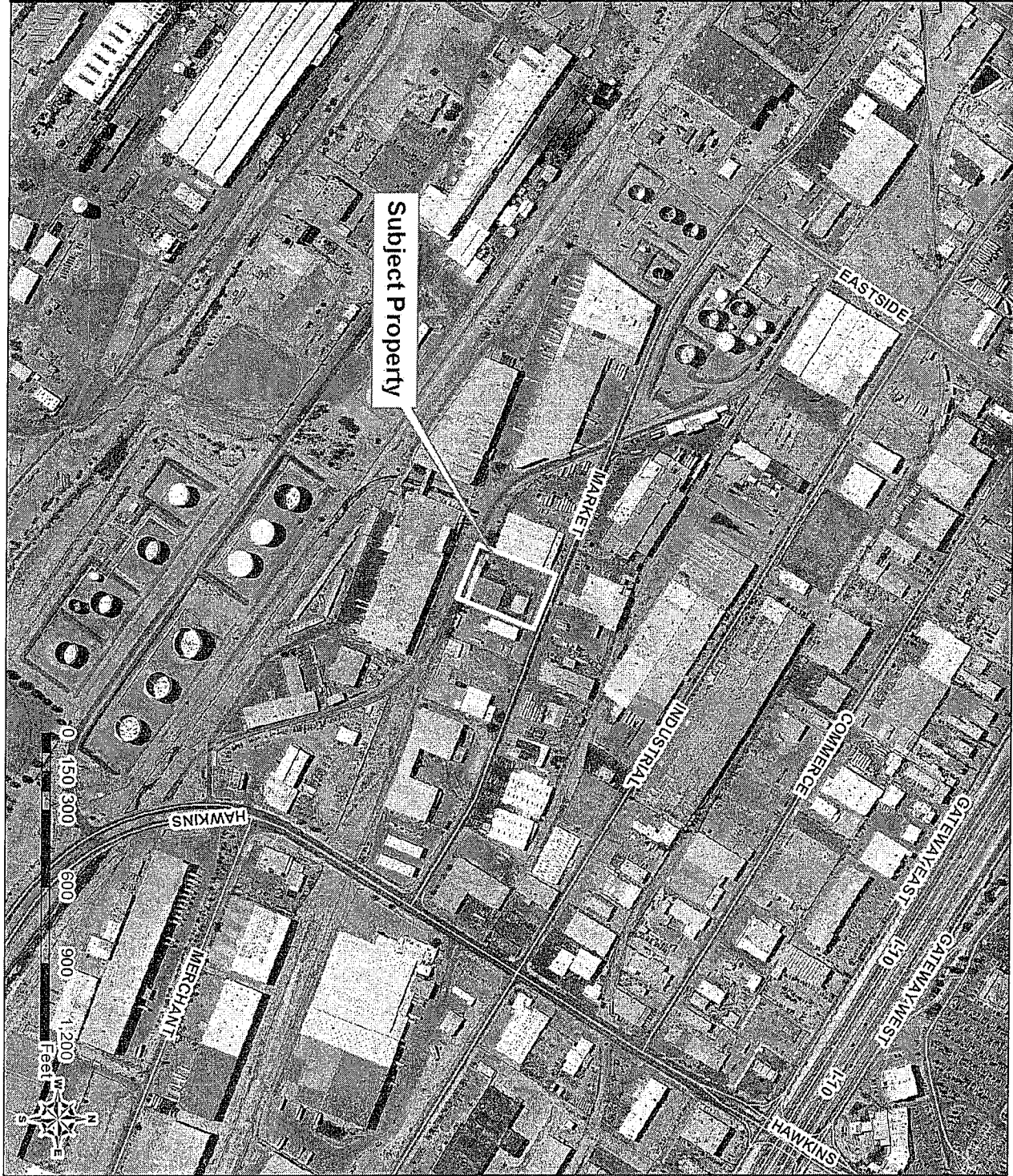
ATTACHMENT 1: ZONING MAP

PZCR14-00006



ATTACHMENT 2: AERIAL MAP

PZCR14-00006



MARKET AVE.



ATTACHMENT 4: SPECIAL CONTRACT DATED OCTOBER 23, 1956

*Map of East Side Industrial District (1st Section)*  
CONTRACT

*Pat DeWitt*  
This contract made this 23rd day of October 1956, by and between Pat DeWitt and Harry O. Rearick, copartners doing business as DeWitt & Rearick, hereinafter called First Parties, and the City of El Paso, hereinafter called Second Party, witnesseth:

First Parties have applied to Second Party for the approval of a subdivision map or plat styled the East Side Industrial District, as per copy of said map and plat attached hereto and made a part hereof, and whereas the Planning Commission of the City of El Paso has raised some objection to the use of said property because of its location and to remove objections to the same First Parties have consented if the property is rezoned as requested and the plat approved, to place the hereinafter described restrictions therein:

(1) No premises or building in said district shall be used for other than industrial, commercial and warehousing purposes.

(2) None of said building sites designated on said map or plat may be used for any purpose or use which would constitute a nuisance or which would cause the emission of odors which are injurious or noxious to persons.

(3) No building or structure shall ever be erected on said building sites which shall be nearer than 35 feet to the property line of the road now designated as F.M. 2233 or nearer than 25 feet to the line of any other established access road or frontage road or any cross streets or nearer than 15 feet to the side line of any property.

(4) No structures (including billboards) shall be erected within the areas required for <sup>front yard</sup> ~~front yard, side street yards~~ without the approval of the City Council.

(5) No billboard or advertising signs other than those identifying the name, business, and products of the person or firm occupying the premises shall be permitted <sup>ALL SUCH STRUCTURES SHALL BE AFFIXED TO THE</sup> ~~on any~~ building. No billboard or identifying sign shall be erected to a height greater than five feet higher than the main building on the same site. A sign not to exceed 10' x 20' in size offering the premises for sale or lease may be erected.

(6) No accessory building <sup>or</sup> use shall be construed to permit the keeping of articles, goods, or materials in the open or exposed to public view on the front one-third of the parcel. When necessary to store or keep such materials in the open, the lot or area shall be limited to the rear two-thirds of the property and this area shall be screened by a masonry fence six feet in height measured from the grade of the ground on the high side.

Building sites in the East Side Industrial District shall not be used for any of the following businesses:

The manufacture of paper.  
Storage in bulk of junk or secondhand material.  
Public blacksmith.  
Public horseshoeing.  
Public wagon shop.  
Public veterinary hospital.  
Public stable.  
Dairy.  
Iron foundry.  
Butane or propane.  
Automobile wrecking.  
Operation of mine or a quarry.

or for the manufacture, storage or distribution of explosives including:

*check with  
spelling*

Acetylides.  
Azides.  
Chlorates.  
Dynamite.  
Blasting gelatin.  
Fulminates. (FULMINATES)  
Anhydrous hydrazine.  
Ammonium nitrate.  
Dinitroresorcinol.  
Dinitroethylene.  
Guanidine nitrate.  
Guncotton (Cellulose, Nitrate or Pyroxylin).  
Hexamine.  
Nitroglycerine. - 1  
Petn.  
Picric Acid.  
Tetryl.  
Cyclonite or Hexogen.  
Dinut.  
Petryl.  
TNT  
Perchlorates (when mixed with carbonaceous materials)  
Black powder.  
Greek fire.  
Fireworks.  
Permanganates.  
Peroxides.

(7) Off-street parking facilities on the premises (in back of the front yard line) shall be provided on each building site to provide adequate space for customers, employees and tenants of the business on said sites.



(3) No loading docks will be permitted to front on the highway now known as F.M. 2233 and provisions for the handling of freight by rail or otherwise shall be provided on the sides of building which do not face a frontage street and all other loading docks shall be located at least 75 feet from the front property line of the site.

(9) No plant of any nature shall create noise in excess of the limits in the following table:

Maximum Sound Pressure Level in Decibels 0.0002 dynes per sq. Centimeter.

<u>Octave Band in Cycles per Second</u>	<u>Resident Dist. Boundaries</u>	<u>Industrial Dist. Boundaries</u>
0-75	72	79
75-150	63	74
150-300	55	66
300-600	49	59
600-1200	44	53
1200-2400	39	47
2400-4800	34	41
above 4800	32	39

Objectionable noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to properties in or outside the District.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements are to be taken at the property lines of the site.

(10) No plant shall permit emission of smoke from any source whatever during normal operation of a density greater than that density described as No. 1 on the Ringlemann Chart.

For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines which is hereby made a part of these restrictions shall be the standards.

(11) No plant shall employ any process that will emit any dirt, dust, sprays, or mists into the air that will be transmitted beyond their property lines during normal operations.

(12) Incandescent lights shall be so located and shielded that no incandescent light source will be directly visible from the right of way of F.M. 2233. Direct or reflected light in a horizontal plane at a height of 6' at the right of way line of F.M. 2233 shall not exceed an intensity of 20 footcandles.



(13) No plant shall emit any toxic or corrosive gas under any condition.

(14) All welding and heating operations normal to any plant shall be screened from <sup>the</sup> view of adjacent properties or roadways. No operation shall be carried on that would produce heat <sup>2</sup> which the operation is located as measured in a horizontal plane to a distance of 24 feet above the ground level of the site. *corrosion*

(15) All sites shall be landscaped and maintained by the planting of grass in the front set back area, ~~and~~ <sup>the</sup> planting of evergreen shrubs on an average of every twenty feet of building width shall be required.

(16) Development of all parcels shall conform to the requirements of the Comprehensive Zoning Ordinance of the City of El Paso.


The above agreement by First Parties shall constitute covenants running with the land and easements and servitudes thereon and be binding on First Parties and their successors in title and may be enforced by Second Party by injunction or any other remedy.

The City Council of the City of El Paso may release the above restrictions or any one or number of them in whole or in relation to any particular site, without the consent of any third person who may be benefitted thereby.

-4-

site, without the consent of any third person who may be benefitted thereby.

Witness the following signatures and seal.

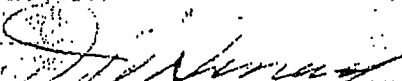
  
Pat DeWitt

  
Harry O. Rearick

THE CITY OF EL PASO

by   
Mayor

ATTEST:

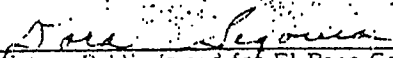
  
City Clerk

THE STATE OF TEXAS |

COUNTY OF EL PASO |

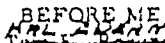
BEFORE ME, the undersigned authority, on this day personally appeared Pat DeWitt and Harry O. Rearick, dba DeWitt & Rearick, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 23<sup>rd</sup> day of October 1956.

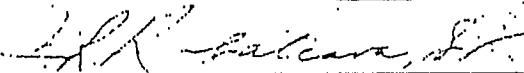
  
Notary Public in and for El Paso County, Texas  
Dora Segovia

THE STATE OF TEXAS |

COUNTY OF EL PASO |

BEFORE ME, the undersigned authority, on this day personally appeared ~~Tom A. Rogers~~ , Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 20<sup>th</sup> day of October 1956.

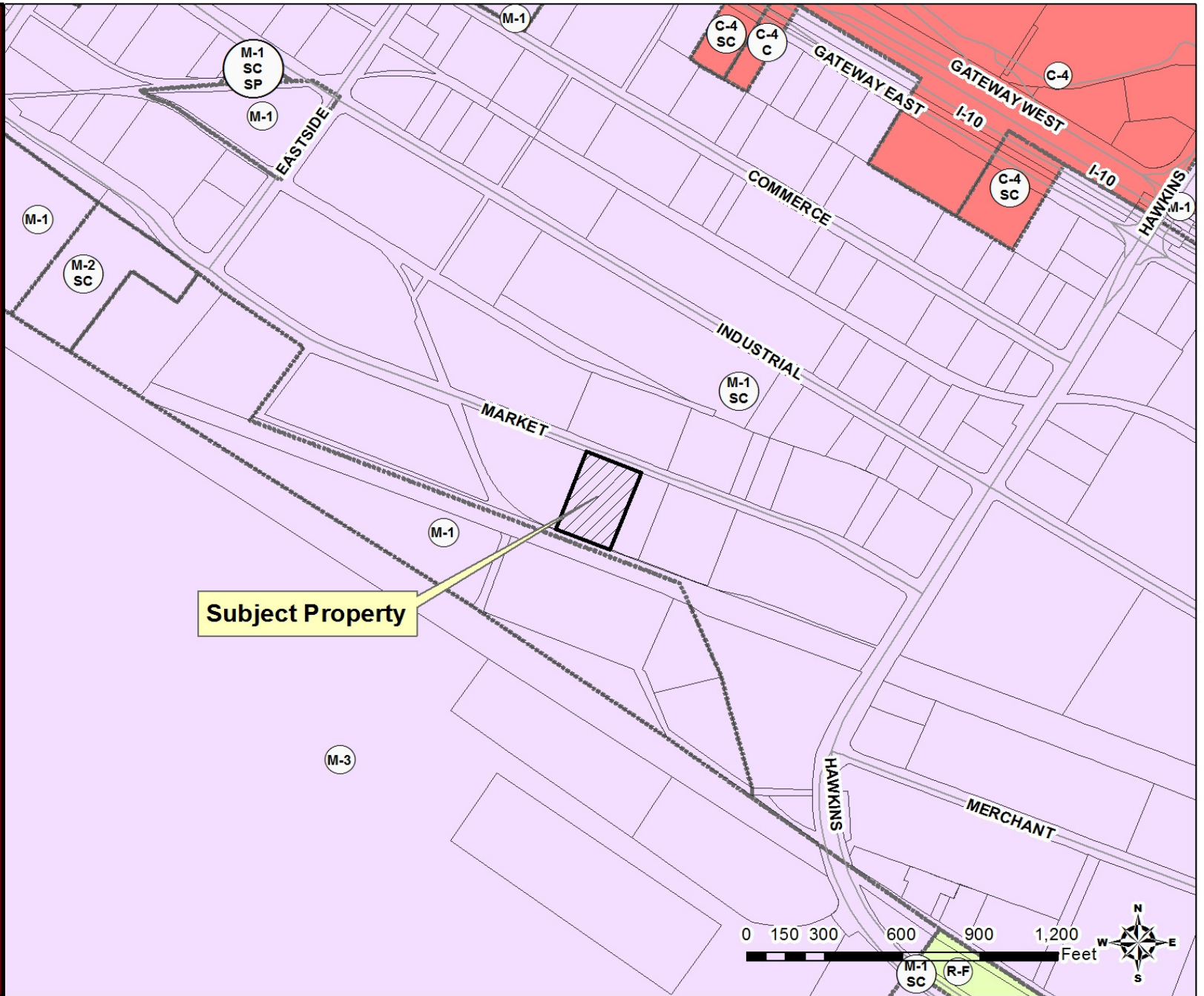
  
Notary Public in and for El Paso County, Texas.



## **Recommendation/Public Input**

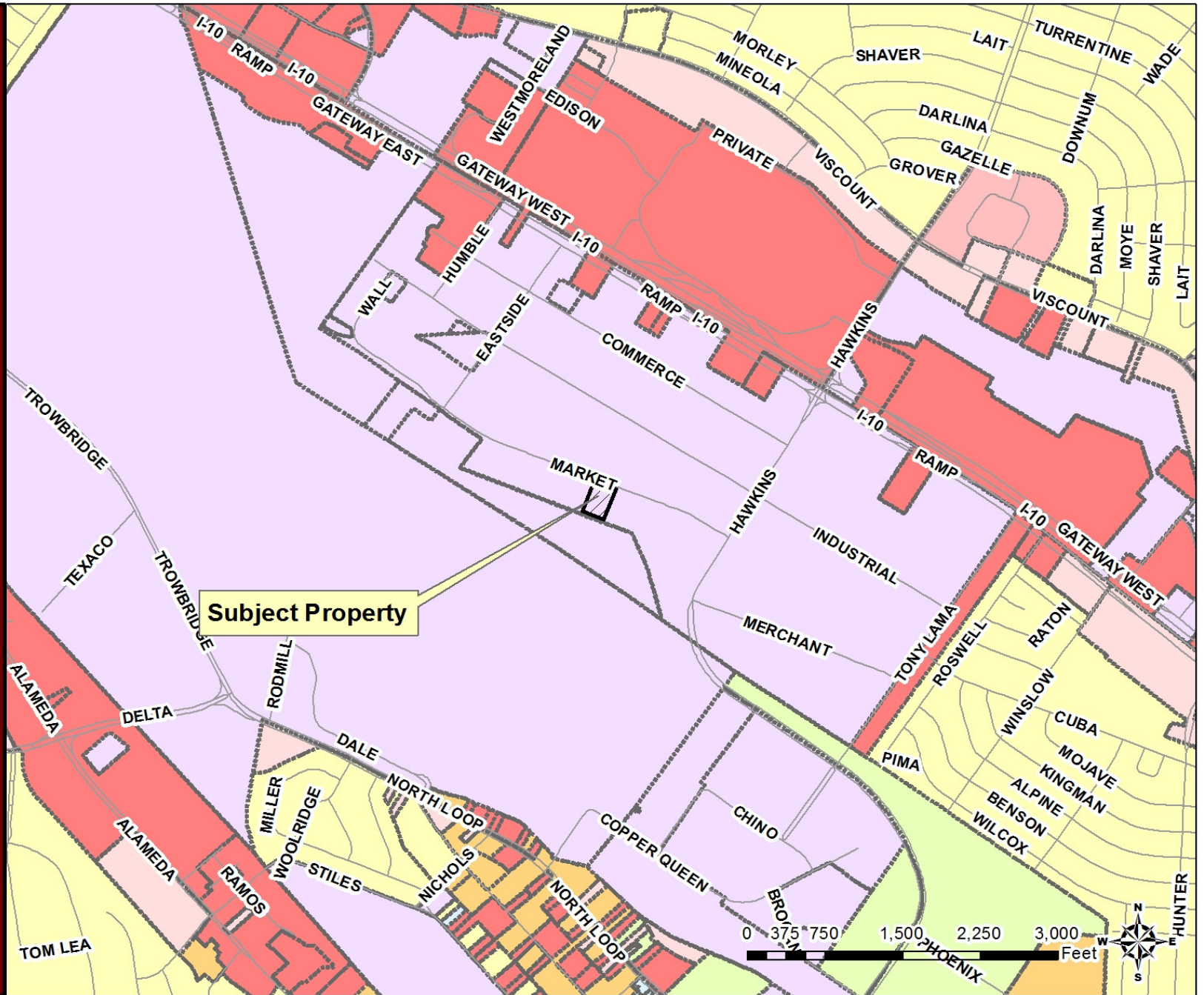
- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (8-0)
- **Public Input:** No communication received from the public in support or opposition to the rezoning and zoning condition release applications.

PZRZ14-00032 & PZCR14-000006





PZRZ14-00032 & PZCR14-000006





PZRZ14-000032 & PZCR14-000006



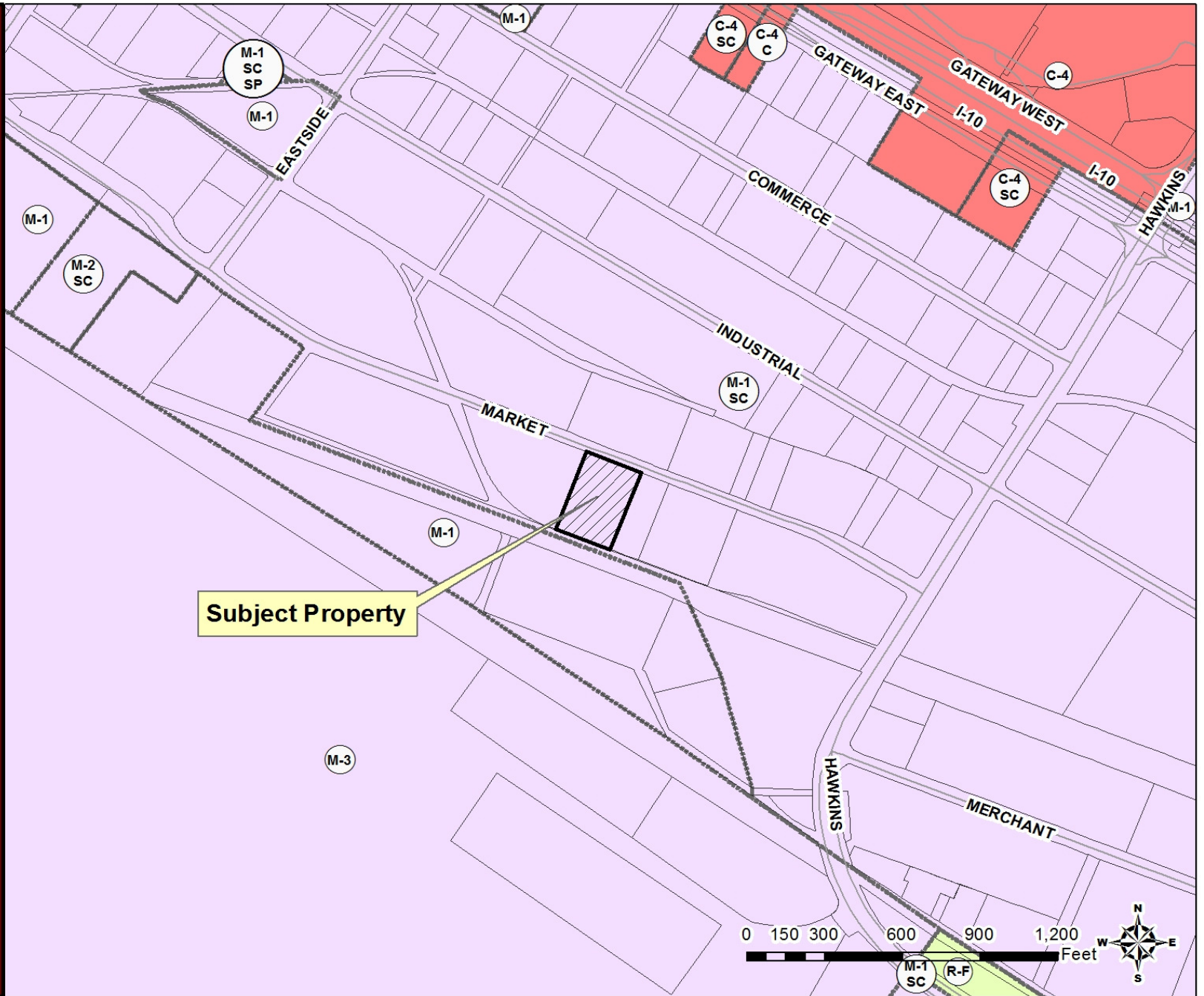


PZRZ14-00032 & PZCR14-000006





PZRZ14-00032 & PZCR14-000006





S E R

E S S



*Copy*  
*East Side Industrial District*  
*(1st Section)*  
**CONTRACT**

This contract made this 23rd day of October 1956, by and between Pat DeWitt and Harry O. Rearick, copartners doing business as DeWitt & Rearick, hereinafter called First Parties, and the City of El Paso, hereinafter called Second Party, witnesseth:

First Parties have applied to Second Party for the approval of a subdivision map or plat styled the East Side Industrial District, as per copy of said map and plat attached hereto and made a part hereof, and whereas the Planning Commission of the City of El Paso has raised some objection to the use of said property because of its location and to remove objections to the same First Parties have consented if the property is rezoned as requested and the plat approved, to place the hereinafter described restrictions therein:

- (1) No premises or building in said district shall be used for other than industrial, commercial and warehousing purposes.
- (2) None of said building sites designated on said map or plat may be used for any purpose or use which would constitute a nuisance or which would cause the emission of odors which are injurious or noxious to persons.
- (3) No building or structure shall ever be erected on said building sites which shall be nearer than 35 feet to the property line of the road now designated as F.M. 2233 or nearer than 25 feet to the line of any other established access road or frontage road or any cross streets or nearer than 15 feet to the side line of any property.
- (4) No structures (including billboards) shall be erected within the areas required for <sup>yards</sup> front yard, side street yards without the approval of the City Council.
- (5) No billboard or advertising signs other than those identifying the name, business, and products of the person or firm occupying the premises shall be permitted <sup>ALL SUCH STRUCTURES SHALL BE AFFIXED TO THE</sup> on any building. No billboard or identifying sign shall be erected to a height greater than five feet higher than the main building on the same site. A sign not to exceed 10' x 20' in size offering the premises for sale or lease may be erected.



(6) Necessary building use shall be construed to permit the keeping of articles, goods, or materials in the open or exposed to public view on the front one-third of the parcel. When necessary to store or keep such materials in the open, the lot or area shall be limited to the rear two-thirds of the property and this area shall be screened by a masonry fence six feet in height measured from the grade of the ground on the high side.

Building sites in the East Side Industrial District shall not be used for any of the following businesses:

The manufacture of paper.  
Storage in bulk of junk or secondhand material.  
Public blacksmith.  
Public horseshoeing.  
Public wagon shop.  
Public veterinary hospital.  
Public stable.  
Dairy.  
Iron foundry.  
Butane or propane.  
Automobile wrecking.  
Operation of mine or a quarry.

or for the manufacture, storage or distribution of explosives including:

*check all spelling*

Acetylides.  
Azides.  
Chlorates.  
Dynamite.  
Blasting gelatin.  
Fulminates. (FULMINATES)  
Anhydrous hydrazine.  
Ammonium nitrate.  
Dinitroresorcinol.  
Dinitroresorcinol.  
Guanidine nitrate.  
Guncotton (Cellulose, Nitrate or Pyroxylin).  
Hexamine.  
Nitroglycerine. - 1  
Petn.  
Picric Acid.  
Tetryl.  
Cyclonite or Hexogen.  
Dinut.  
Petryl.  
TNT  
Perchlorates (when mixed with carbonaceous materials)  
Black powder.  
Greek fire.  
Fireworks.  
Permanganates.  
Peroxides.

(7) Off-street parking facilities on the premises (in back of the front yard line) shall be provided on each building site to provide adequate space for customers, employees and tenants of the business on said sites.



(3) No loading docks will be permitted to front on the highway now known as F.M. 2233 and provisions for the handling of freight by rail or otherwise shall be provided on the sides of building which do not face a frontage street and all other loading docks shall be located at least 75 feet from the front property line of the site.

(9) No plant of any nature shall create noise in excess of the limits in the following table:

<u>Maximum Sound Pressure Level in Decibels 0.0002 dynes per sq. Centimeter.</u>		
<u>Octave Band in</u>	<u>Resident<sup>d</sup> Dist.</u>	<u>Industrial DISTRICT</u>
<u>Cycles per Second</u>	<u>Boundaries</u>	<u>Site Dist. Boundaries</u>
0-75	72	79
75-150	63	74
150-300	55	66
300-600	49	59
600-1200	44	53
1200-2400	39	47
2400-4800	34	41
above 4800	32	39

Objectionable noises, due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to properties in or outside the District.

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements are to be taken at the property lines of the site.

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For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines which is hereby made a part of these restrictions shall be the standards.

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(12) Incandescent lights shall be so located and shielded that no incandescent light source will be directly visible from the right of way of F.M. 2233. Direct or reflected light in a horizontal plane at a height of 6' at the right of way line of F.M. 2233 shall not exceed an intensity of 20 footcandles.

S E

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(14) All welding and heating operations normal to any plant shall be screened from <sup>the</sup> view of adjacent properties or roadways. No operation shall be carried on that would produce heat <sup>which</sup> the operation is located as measured in a horizontal plane to a distance of 24 feet above the ground level of the site.

(15) All sites shall be landscaped and maintained by the planting of grass in the front set back area, ~~and~~ the planting of evergreen shrubs on an average of every twenty feet of building width shall be required.

(16) Development of all parcels shall conform to the requirements of the Comprehensive Zoning Ordinance of the City of El Paso.

The above agreement by First Parties shall constitute covenants running with the land and easements and servitudes thereon and be binding on First Parties and their successors in title and may be enforced by Second Party by injunction or any other remedy.

The City Council of the City of El Paso may release the above restrictions or any one or number of them in whole or in relation to any particular site, without the consent of any third person who may be benefitted thereby.

S S

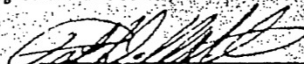




SEP

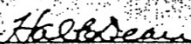
site, without the consent of any third person who may be benefited thereby.

Witness the following signatures and seal.

  
Pat DeWitt

  
Harry O. Rearick

THE CITY OF EL PASO

by   
Mayor

ATTEST:


  
City Clerk

THE STATE OF TEXAS |

COUNTY OF EL PASO |

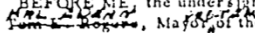
BEFORE ME, the undersigned authority, on this day personally appeared Pat DeWitt and Harry O. Rearick, dba DeWitt & Rearick, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 23<sup>rd</sup> day of October 1956.

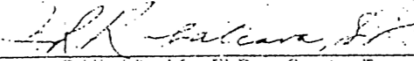
  
Notary Public in and for El Paso County, Texas.  
Dora Segovia

THE STATE OF TEXAS |

COUNTY OF EL PASO |

BEFORE ME, the undersigned authority, on this day personally appeared , Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed; and as the act and deed of the City of El Paso.

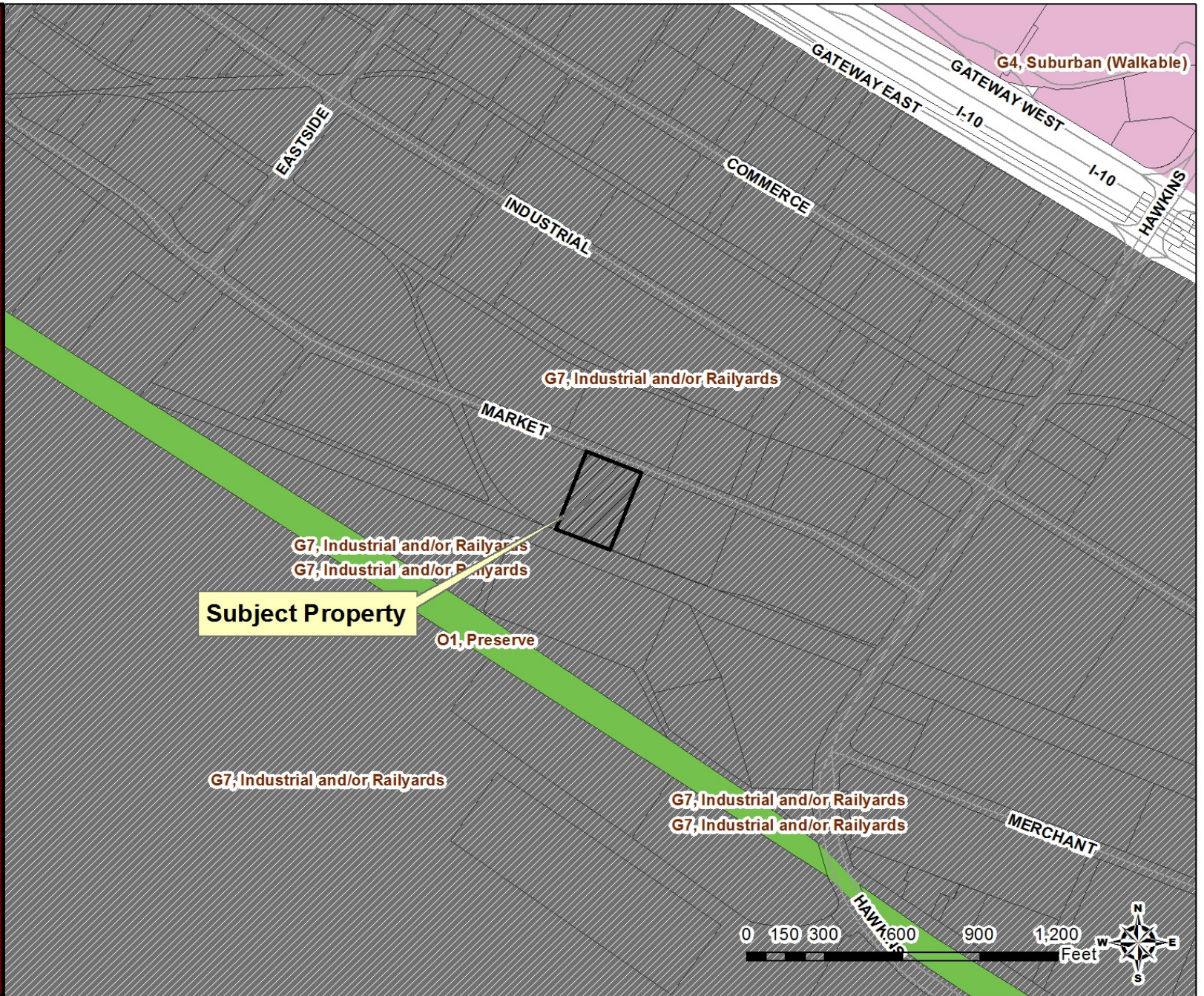
GIVEN UNDER MY HAND AND OFFICIAL SEAL this 25<sup>th</sup> day of October 1956.

  
Notary Public in and for El Paso County, Texas.



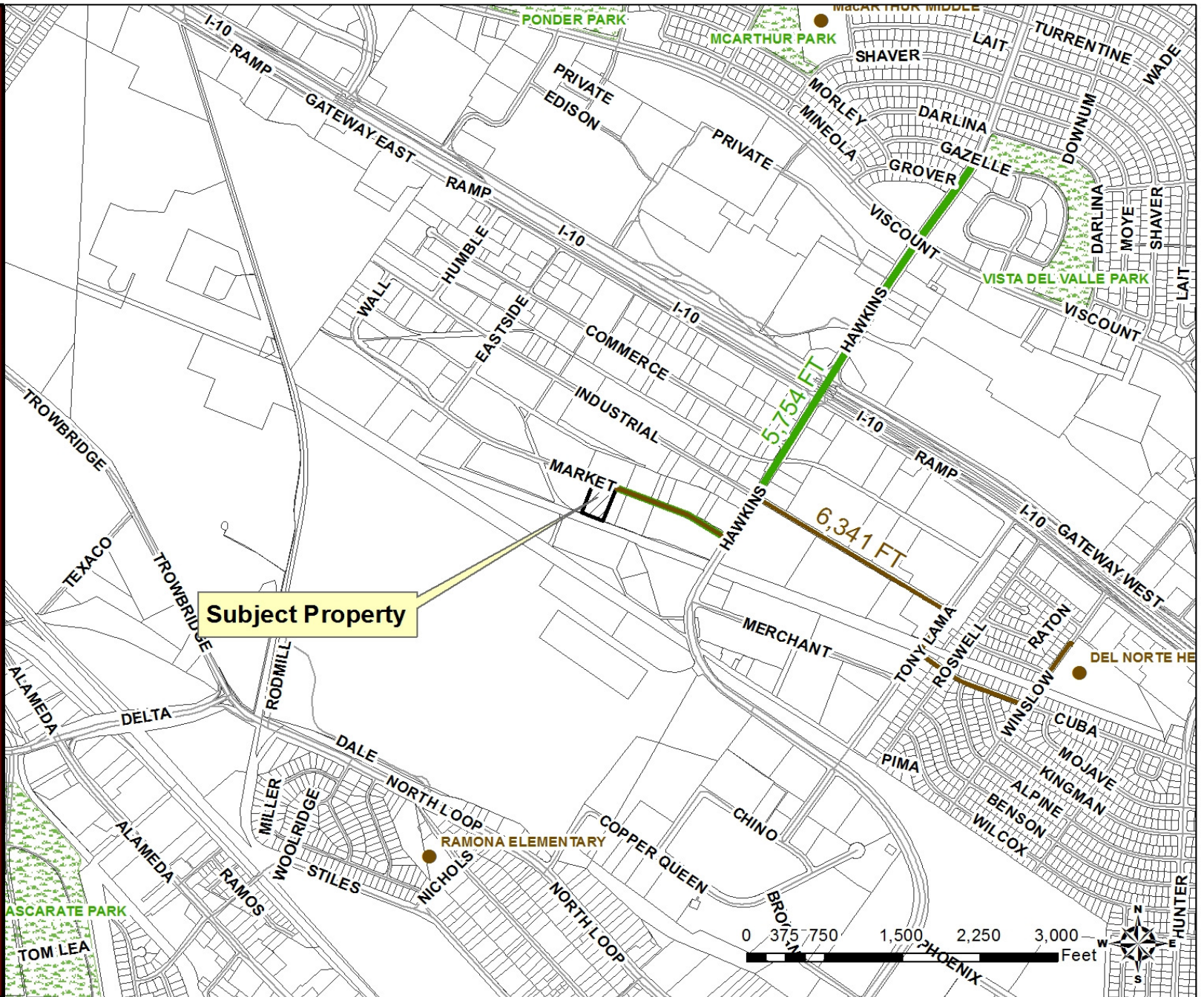


PZRZ14-00032 & PZCR14-000006

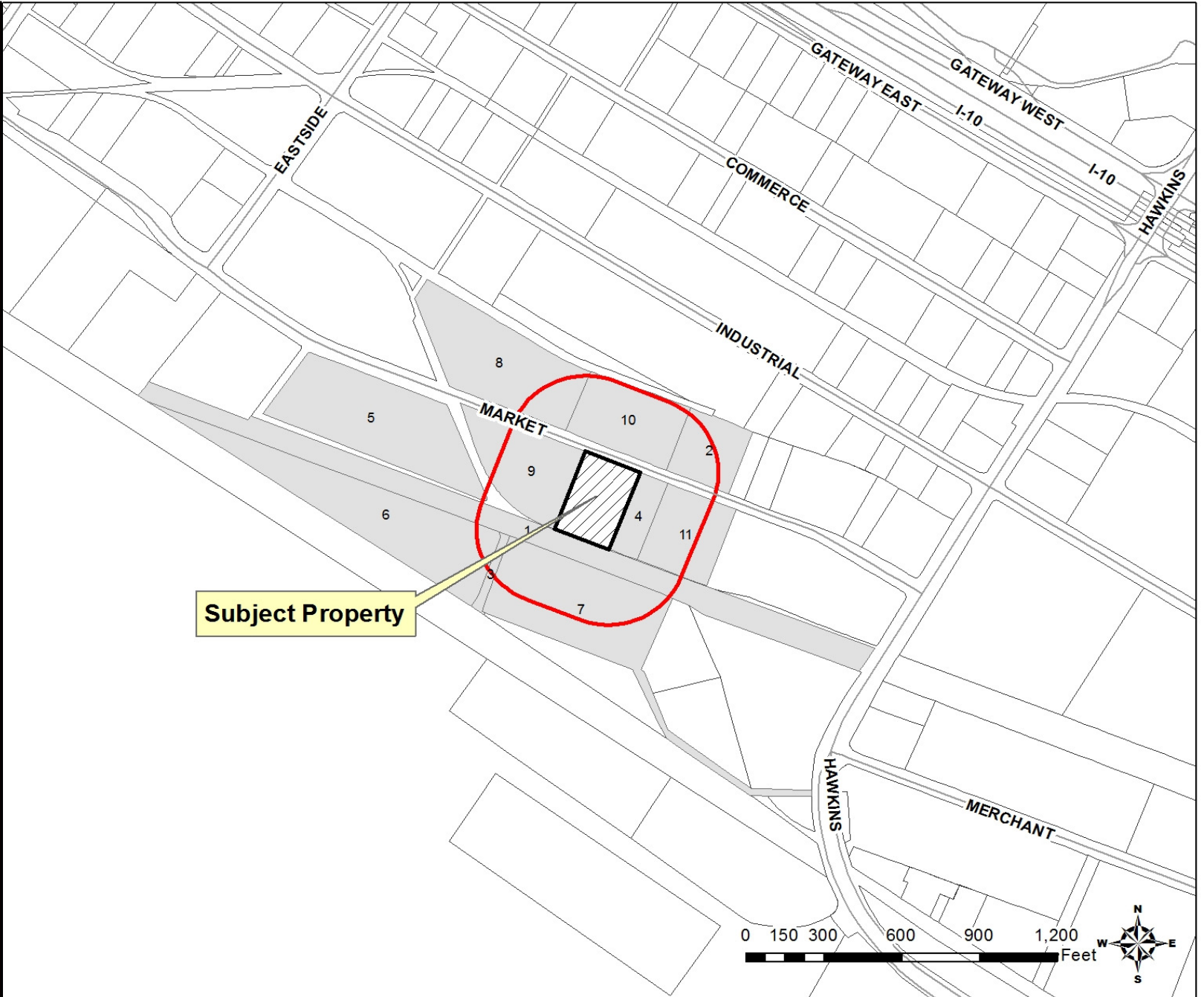




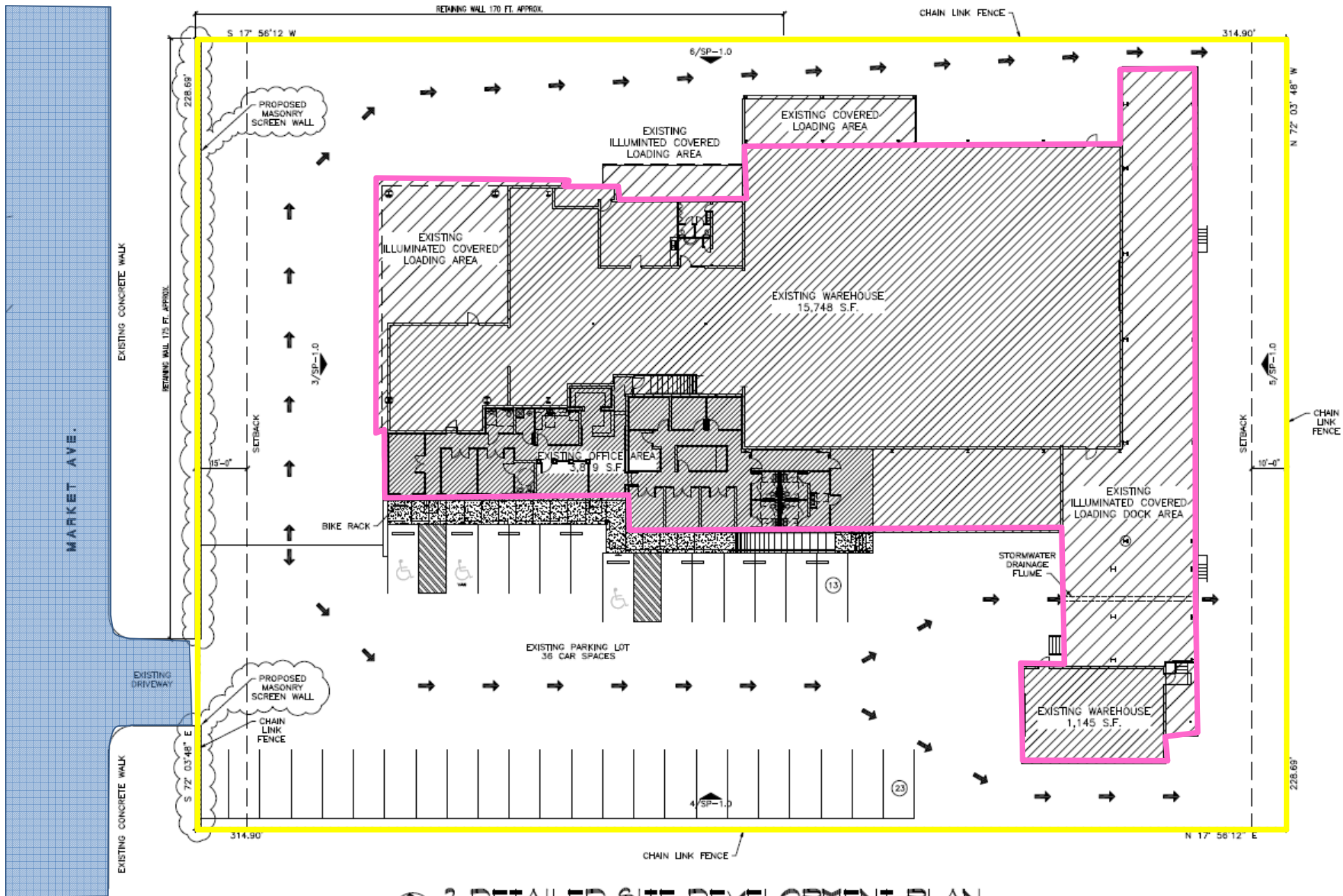
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PZRZ14-00032 & PZCR14-000006

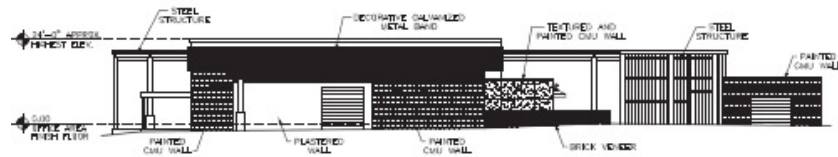






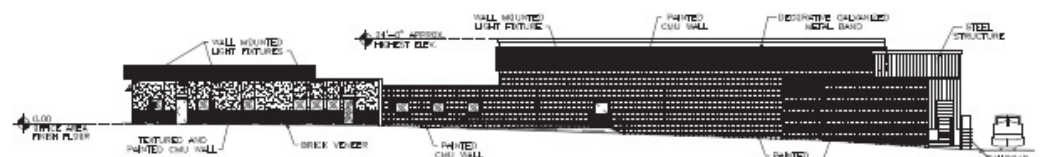
## 2 DETAILED SITE DEVELOPMENT PLAN

SCALE: 1" = 20'-0"



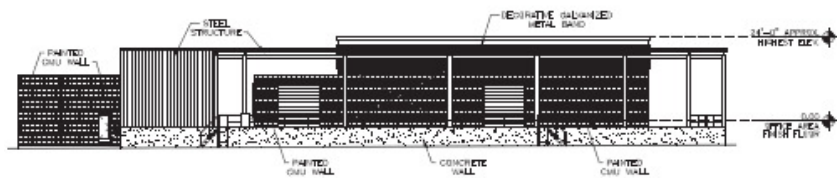
**3 NORTH ELEVATION**

SCALE: 1" = 20'-0"



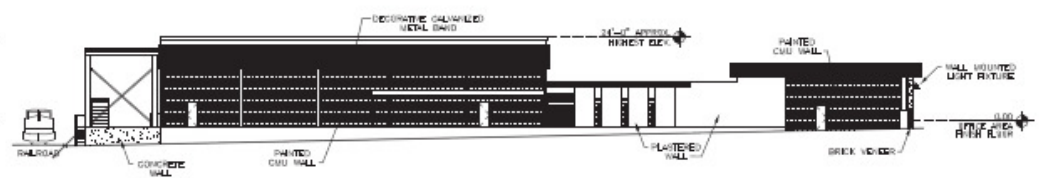
**4 WEST ELEVATION**

SCALE: 1" = 20'-0"



**5 SOUTH ELEVATION**

SCALE: 1" = 20'-0"



**6 EAST ELEVATION**

SCALE: 1" = 20'-0"



Subject Property



North / M-1



East / M-1



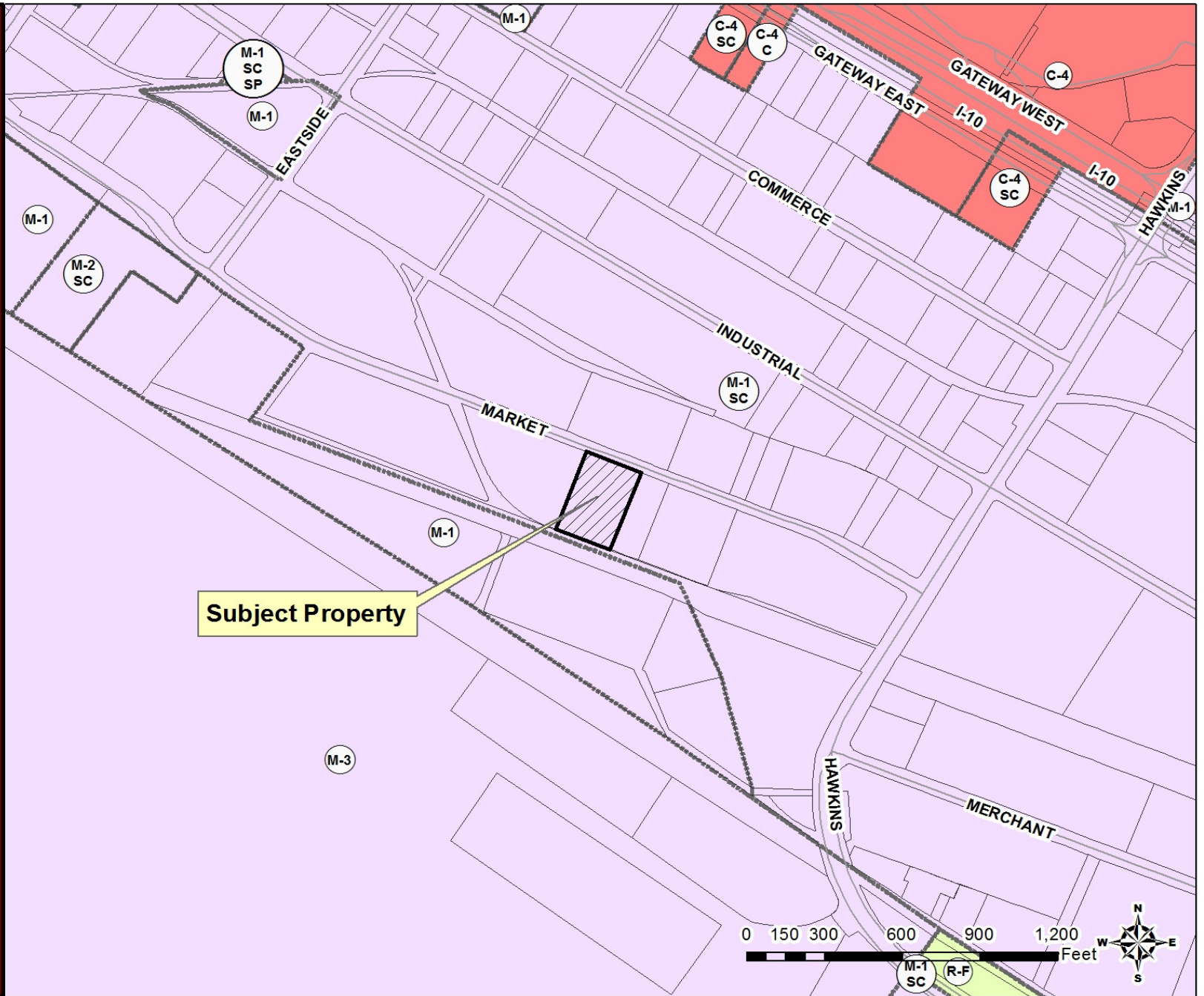


South / M-1



West / M-1

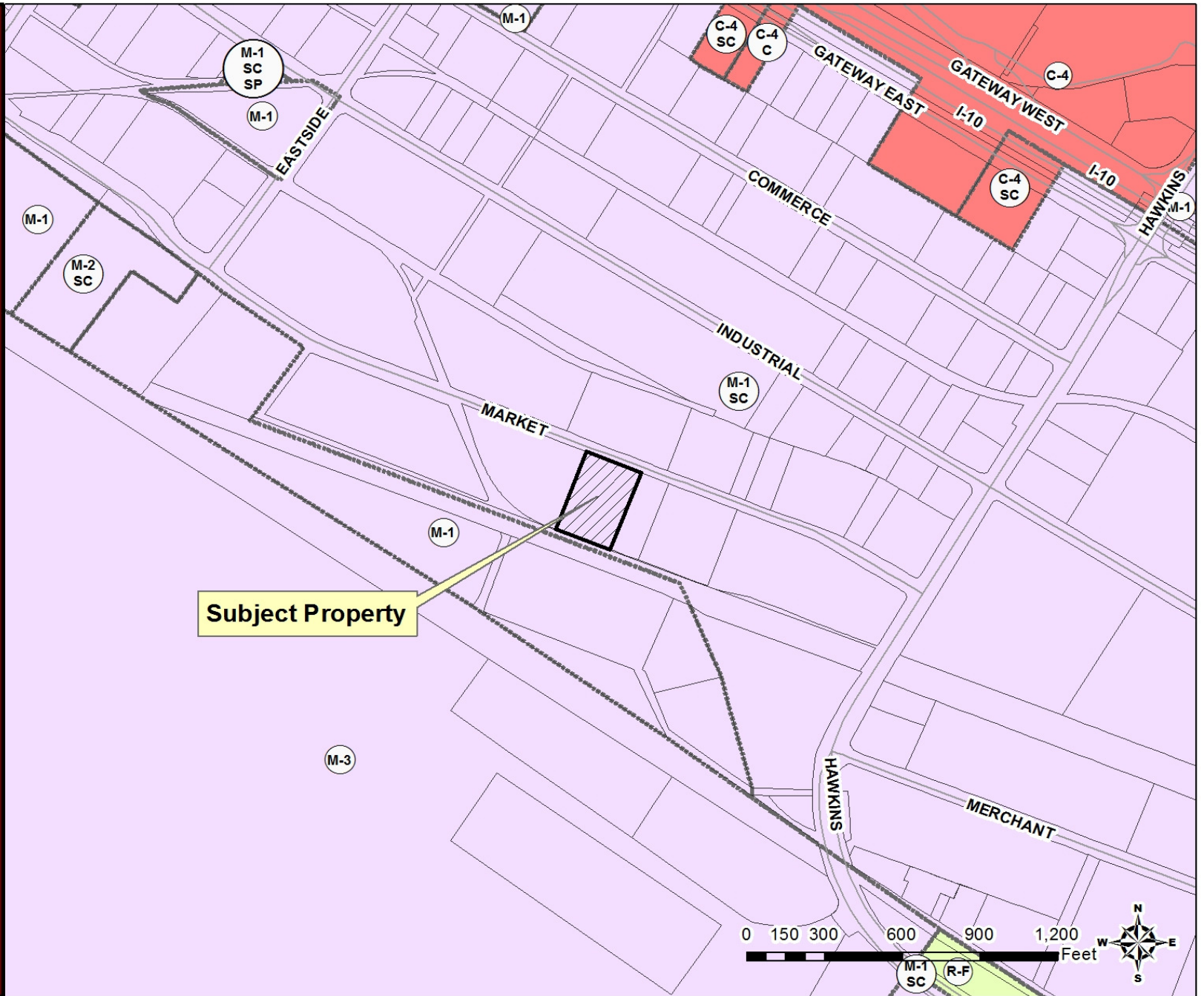
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