

CITY CLERK DEPT.
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Doc# 20160002321

151/6

ORDINANCE NO. 018452

22.2

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 14B AND ALL OF TRACT 15B, BLOCK 45, YSLETA GRANT, 174 N. ZARAGOZA ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-4/H (RESIDENTIAL/HISTORIC) TO S-D/H (SPECIAL DEVELOPMENT DISTRICT/HISTORIC), PURSUANT TO SECTION 20.04.360, GRANTING A LOT AREA WAIVER AND A REAR YARD SETBACK REDUCTION, AND APPROVING A DETAILED SITE DEVELOPMENT PLAN PURSUANT TO SECTION 20.04.150 AND 20.10.360 OF THE EL PASO CITY CODE TO ALLOW FOR A RETAIL AND RESIDENTIAL USE AS PERMITTED IN THE S-D (SPECIAL DEVELOPMENT) ZONE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Gerardo and Consuelo Chacon, (Owners), have applied for a rezoning of property from R-4/H (Residential/Historic) to S-D/H (Special Development/Historic) per section 20.04.360 of the El Paso City Code; and,

WHEREAS, Owners have also applied for approval of a detailed site development plan pursuant to Sections 20.04.150 and 20.10.360 of the El Paso City Code for a retail and residential use, which requires approval from both the City Plan Commission and City Council; and,

WHEREAS, a public hearing was held for the rezoning and detailed site plan requests at a City Plan Commission Meeting; and,

WHEREAS, City Plan Commission has recommended approval of the subject rezoning and detailed site development plan; and,

WHEREAS, the rezoning and site development plan has been submitted to the City Council of the City of El Paso for review and approval; and,

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

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

1. Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *a portion of Tract 14B and all of Tract 15B, Block 45, Ysleta Grant, 174 N. Zaragoza Road, located in the City of El Paso, El Paso County, Texas,* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-4/H

(Residential/Historic) to S-D/H(Special Development District/Historic), as defined in Section 20.06.020, and the zoning map of the City of El Paso be revised accordingly.

2. That the property described above be granted the following waivers allowable under Title 20, Appendix B, CC.1, Subparts A and C:

a. A reduction in the required rear yard setback of the Special Development District from ten (10) feet to one and a half (1.5) feet to allow for the existing carport structure.

b. That City Council waive the one (1) acre minimum site requirement for the Special Development District.

3. Pursuant to the requirements of the El Paso City Code, the City Council hereby approves the detailed site plan submitted by the Owners, to a retail and residential use as permitted under the **S-D (Special Development)** district regulations of 20.04.150 and 20.10.360.

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

5. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the standards applicable in the **S-D (Special Development)** 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.

6. 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 **S-D (Special Development)** 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.

7. The approval of this detailed site development plan shall automatically be void if construction on the subject property is not started in accordance with the attached plan Exhibit "B" within four (4) years from the date hereof.

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

(Signatures on Following Page)

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ADOPTED this 22nd day of December, 2015.

CITY OF EL PASO

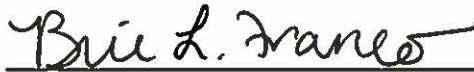


Oscar Leeser
Mayor

ATTEST


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Brie L. Franco
Assistant City Attorney

APPROVED AS TO CONTENT:



Larry F. Nichols, Director
Planning & Inspections Department

(Development Agreement and Acknowledgement on the following page)

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DEVELOPMENT AGREEMENT

By execution hereof, Gerardo and Consuelo Chacon ("Owners"), 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 Detailed Site Development Plan, and in accordance with the standards applicable to the Special Development/Historic District located within the City of El Paso.

EXECUTED this 30 day of Oct., 2015

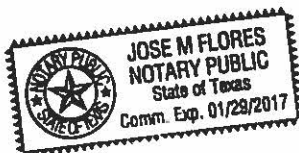
Gerardo and Consuelo Chacon:

By: Consuelo Chacon
Gerardo Chacon Consuelo Chacon
(Print Name and Title)

ACKNOWLEDGEMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 30 day of October, 2015, by Gerardo Chacon & Consuelo Chacon, in his legal capacity on behalf of r/a.



Jose M Flores
Notary Public, State of Texas

My Commission Expires:

01/29/17

ORDINANCE NO. 018452
#154401/11-1007/Template Detailed Site Development Plan
KMN

PZRZ15-_____

EXHIBIT "A"

Calderon Engineering

3031 Trawood Drive
El Paso, Texas 79936
(915) 855-7552
Fax: 855-8350

June 19, 2015

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 14B and all of Tract 15B, Block 45, Ysleta Grant, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows;

Commencing at a found iron pin marking the Northwest corner of Tract 14B, the Southwest corner of Tract 14A and North $59^{\circ}52'00''$ West a distance of 3.68 feet from the East right-of-way line of North Zaragosa Road in Block 45, Ysleta Grant; Thence South $59^{\circ}52'00''$ East along the common Tract line between Tracts 14A and 14B a distance of 3.68 feet to a point on the East right-of-way line of North Zaragosa Road marked by a found concrete nail and marking the "Point of Beginning";

Thence South $59^{\circ}52'00''$ East along the common Tract line between Tracts 14A, 14B, 15B3 and 15B a distance of 125.45 feet to found concrete nail;

Thence South $22^{\circ}31'28''$ West along the common Tract line between Tracts 15B and 15B4 a distance of 93.48 feet to a found concrete nail;

Thence North $85^{\circ}56'00''$ West along the common Tract line between Tracts 15A and 15B a distance of 120.14 feet to a found concrete nail;

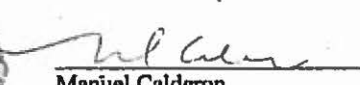
Thence South $47^{\circ}26'00''$ West along the common Tract line between Tracts 14B and 15A a distance of 2.42 feet to a found iron pin;

Thence 6.37 feet along the arc of a curve to the right and along the East right-of-way line of North Zaragosa Road, whose interior angle is $00^{\circ}05'08''$, whose radius is 4265.95 feet and whose chord bears North $18^{\circ}55'07''$ East a distance of 6.37 feet to a found chiseled cross;

Thence North $18^{\circ}57'41''$ East along the East right-of-way line of North Zaragosa Road a distance of 144.23 feet to the "Point of Beginning" and containing in all 14,535.00 square feet or 0.334 acres of land more or less. A plat of survey dated June 19, 2015 is a part of this description and attached hereto.



MV C3
174 Zaragosa


Manuel Calderon
Registered Professional Land Surveyor No. 2564
Calderon Engineering