



City of El Paso – City Plan Commission Staff Report

Case No: PZDS14-00020
Application Type: Detailed Site Development Plan Review
CPC Hearing Date: January 29, 2015
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: 5710 North Mesa Street
Legal Description: Portion of Lot 1, Block 15, Mesa Hills Unit 5, City of El Paso, El Paso County, Texas
Acreage: 0.7488 acres
Rep District: 1
Current Zoning: C-1/sc (Commercial/special contract)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: Special contract attached to Ordinance 4928, dated September 7, 1972 (attachment 5)
Request: Detailed Site Development Plan Review
Proposed Use: Financial Institution
Property Owner: Bissel Corporation
Representative: Daniel Vasquez

SURROUNDING ZONING AND LAND USE

North: P-C/sc (Planned Commercial/special contract / Restaurant)
South: R-3 (Residential) / Middle School
East: C-1/sc/sp (Commercial/special contract/special permit) / Office
West: C-1 (Commercial) / Retail

PLAN EL PASO DESIGNATION: G-4 Suburban (Walkable) (Northwest Planning Area)

NEAREST PARK: Galatzan Park (5,722 feet)

NEAREST SCHOOL: Morehead Middle School (157 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado 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*.

CASE HISTORY

A special contract dated September 7, 1972, attached to Ordinance 4928, prohibited apartments on a portion of the property, imposed setback requirements, required additional landscaping, and required a detailed site development plan to be approved by the City Plan Commission. A contract amendment dated December 21, 1977 reduced the landscape requirement imposed from 50 feet to 15 feet, except on the northwesterly 250 feet of the entire property (which comprises the current subject property), for which no landscape condition is imposed. Lastly, a partial release dated September 8, 1980 removed the prohibition on apartments in the C-1 (Commercial) portion of the property (see attachment 5).

APPLICATION DESCRIPTION

The detailed site development plan shows a 3,415 sq. ft. building on a currently vacant 0.7488 acre parcel. The proposed use is a financial institution. The development requires 17 parking spaces and proposes 17 parking spaces, including two ADA accessible parking and bicycle parking. The landscape requirements of Title 18 are being met. Access to the subject property is proposed from existing driveways on Mesa Street and from Mesa Hills 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 a special contract condition imposed on the subject property. Ordinance No. 4928 requires that a detailed site development plan be approved by the City Plan Commission before the issuance of building permits.

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 site 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.

This detailed site development plan is not eligible for administrative approval as the special contract condition requires by the City Plan Commission.

- 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 and recommends approval as it meets all of the requirements.

Plan El Paso- Future Land Use Map Designation

All applications shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the C-1 (Commercial) district is to provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permits locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

Planning and Inspections Department - Planning Division – Transportation

No objections. 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.

Planning and Inspections Department – Plan Review

No objections to proposed DSDP. At the time of submittal for building permits the project will need to comply with all requirements of the IBC, TAS and local municipal code. Landscape Review At the time of submittal for building permits the landscape plans will need to fully comply with all provisions of section 18.46 of the municipal code.

Planning and Inspections Department - Land Development

No objections.

Planning and Inspections Department - Landscape

No objections.

Fire Department

Recommend “APPROVAL” of “Application” as presented. PZDS14-00020 *****NOTE ***** 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. Please note that 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”.

El Paso Water Utilities

EPWU does not object to this request.

We have reviewed the Detailed Site Development Plan request reference above and provide the following comments:

1. The El Paso Water Utilities – Public Service Board (EPWU-PSB) has existing water and sewer gravity mains located within a 30-foot utility easement. The mains are described in the following paragraphs under their respective sections.
2. EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, 7days a week. No trees shall be located within 10-feet from the existing water and sanitary sewer mains located along the 30-foot utility easement.

Water:

1. There is an existing 12-inch diameter water main extending along Mesa Hills Drive available for service. The water main is located approximately 15-ft west from the center line of the right-of-way.
2. There is an existing 6-inch diameter water main extending along a 30-foot utility easement within the subject property, north and parallel to Mesa St. This water min is available for service.
3. EPWU-PSB records indicate one active 3/4-inch water meter service for 5710 North Mesa St.
4. Previous water pressure tests from fire hydrant # 3101 located at the northeast corner of Mesa St. and Mesa Hills Dr. have yielded a static pressure of 60 (psi) pounds per square inch, a residual pressure of 50 (psi) pounds per square inch, and a discharge of 1,121 (gpm) gallons per minute.
5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

1. There is an existing 12-inch diameter sanitary sewer main extending along Mesa Hills Drive that is available for service. The sewer main is located approximately 20-ft east from the center line of the right-of-way.
2. There is an existing 12-inch diameter sewer main extending along a 30-foot utility easement within the subject property, east and parallel to Mesa St. This water min is available for service.
3. There is an existing 12-inch diameter sewer main that extends across the 30-foot utility easement and Mesa St. The sewer main is located approximately 35-ft east of the right-of-way.

General:

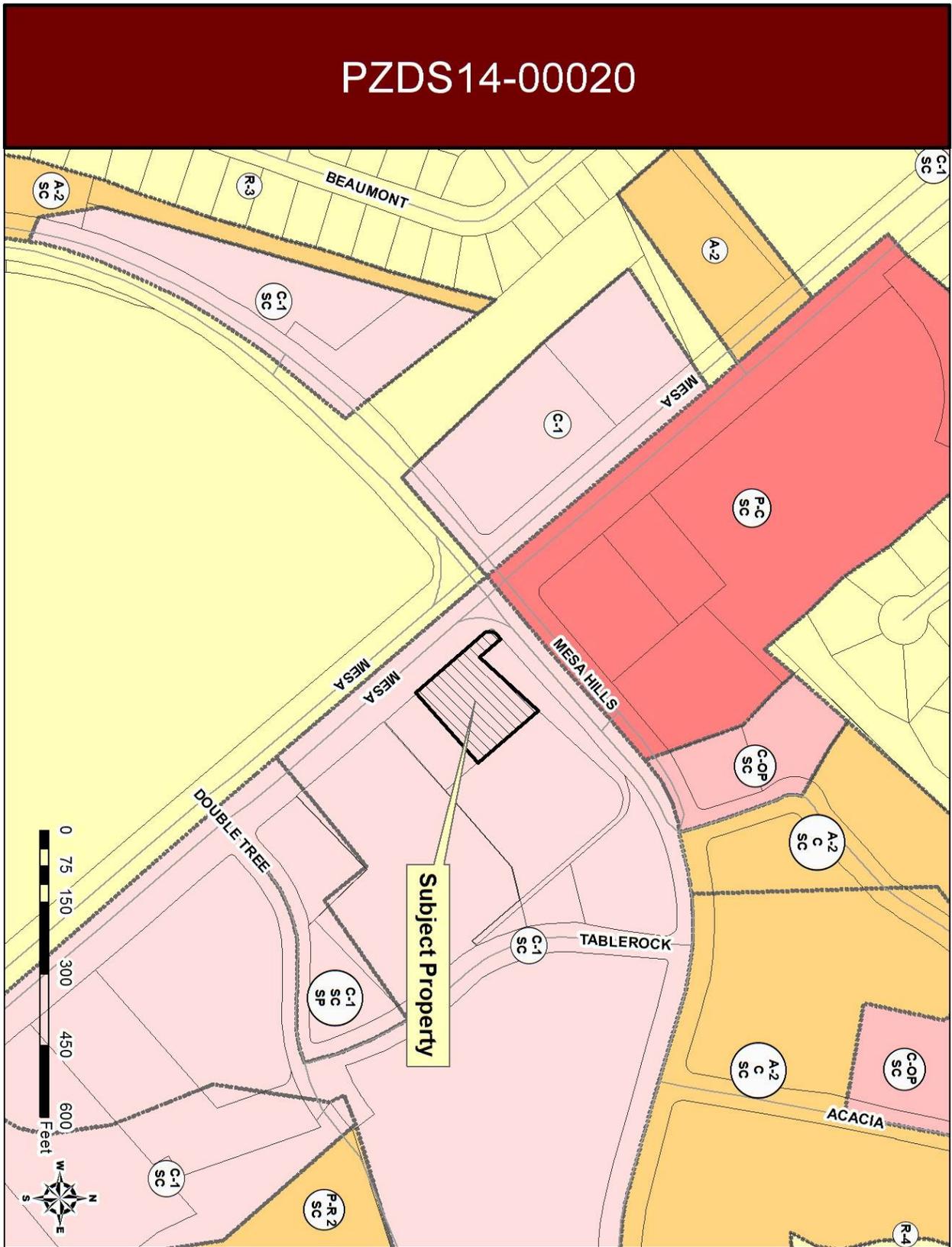
EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping 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. Elevations
5. Ordinance No. 4928

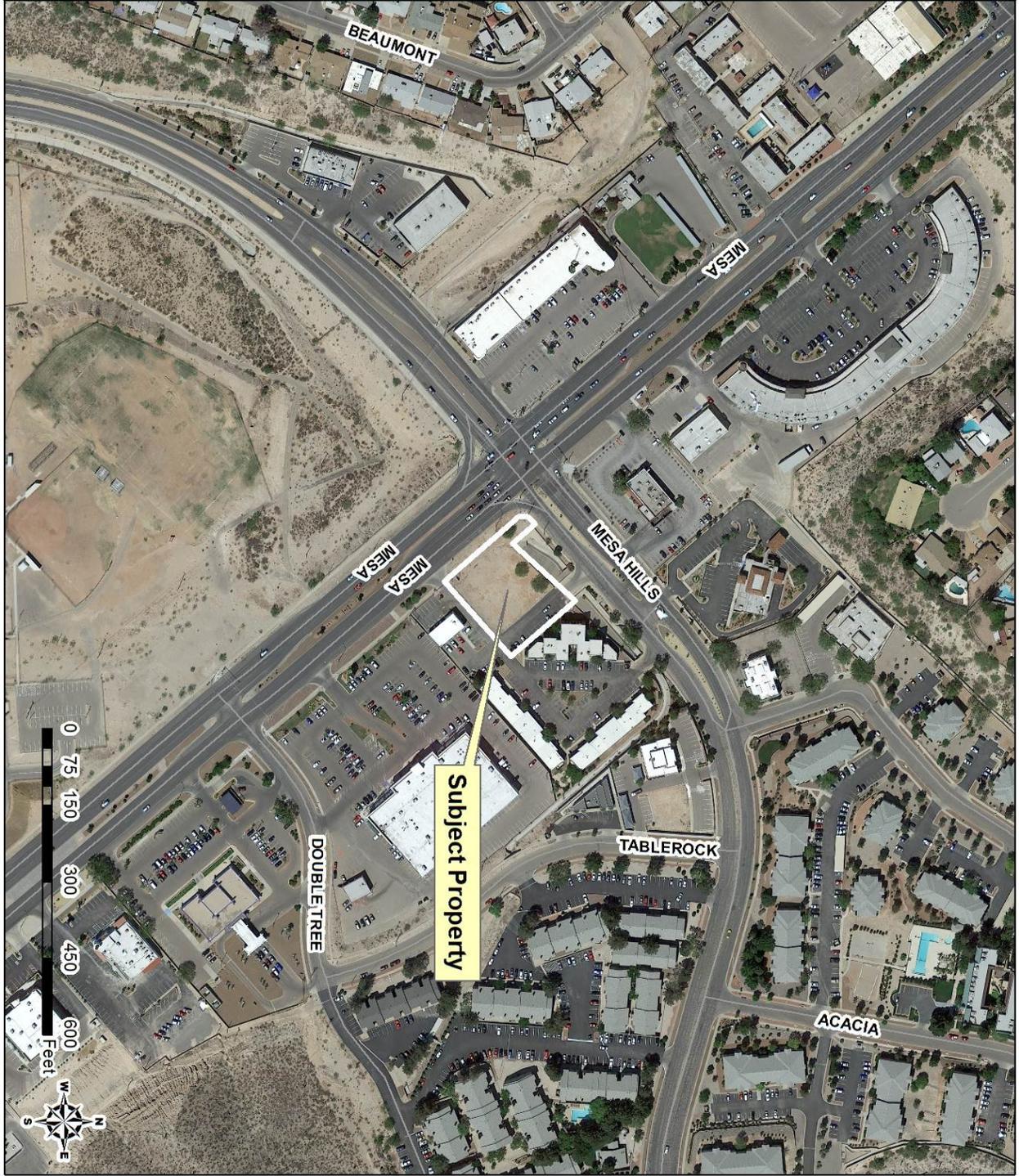
ATTACHMENT 1: ZONING MAP

PZDS14-00020



ATTACHMENT 2: AERIAL MAP

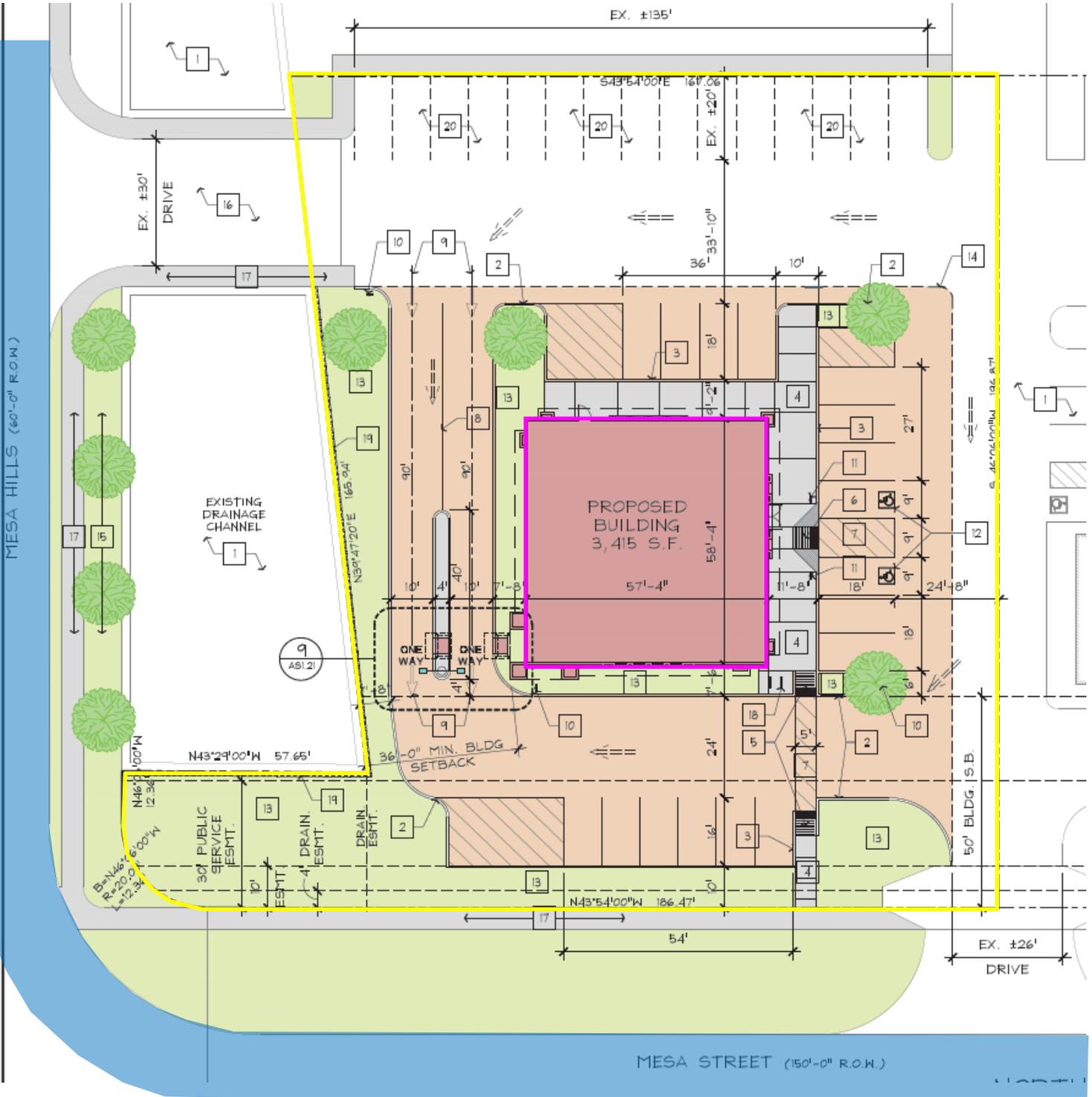
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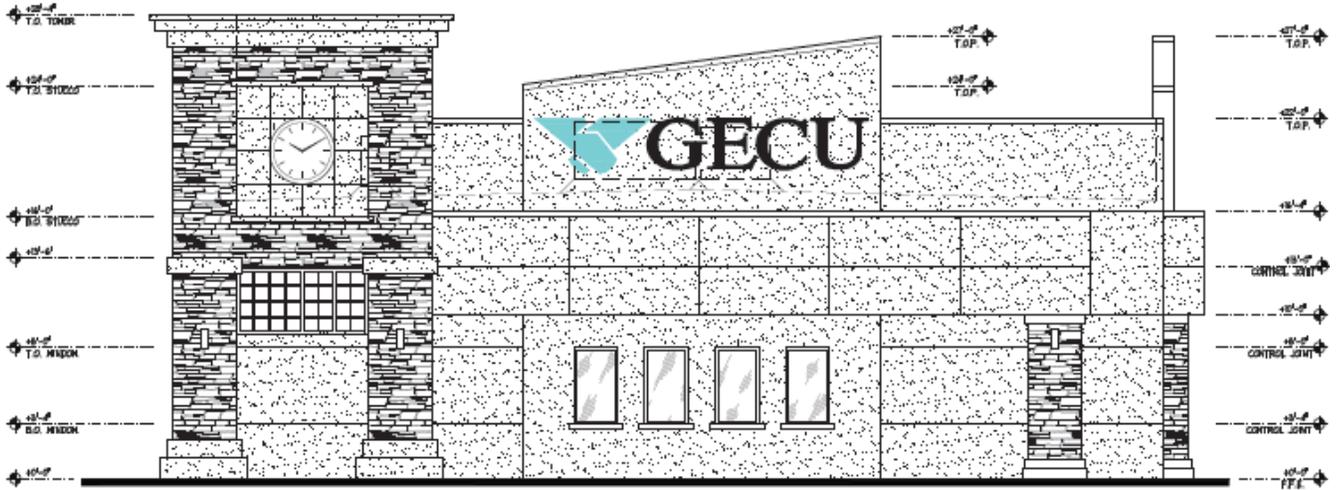
ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

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4:3pm
Plotted by JHarczmarek



ATTACHMENT 4: ELEVATIONS



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



PERSPECTIVE ELEVATION

SCALE: N.T.S.

ATTACHMENT 5: ORDINANCE 4928

AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACTS 2A AND 2F, A. F. MILLER SURVEY 215, AND A PORTION OF TRACT 1A, A. F. MILLER SURVEY, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, as more particularly described below, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel #1 - C-1 Zoning

A portion of A. F. Miller Survey 215, more particularly described by metes and bounds as follows, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North 46° 06' 00" East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1717.84 feet to the point of beginning;

Thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1459.68 feet;

Thence North 46° 06' 00" East a distance of 201.31 feet;

Thence 80.00 feet along the arc of a curve to the left whose interior angle is 10° 47' 28", whose radius is 424.74 feet and whose chord bears North 40° 42' 16" East a distance of 78.88 feet;

Thence 79.76 feet along the arc of a curve to the right whose interior angle is 10° 47' 28", whose radius is 423.51 feet and whose chord bears North 40° 42' 16" East a distance of 79.65 feet;

Thence 534.34 feet along the arc of a curve to the right whose interior angle is 56° 16' 00", whose radius is 544.12 feet and whose chord bears North 74° 14' 00" East a distance of 513.13 feet;

Thence South 77° 38' 00" East a distance of 460.48 feet;

Thence 350.58 feet along the arc of a curve to the left whose interior angle is 32° 44' 21", whose radius is 613.53 and whose chord bears North 85° 59' 50" East a distance of 345.83 feet;

-1-

EXHIBIT "A"

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

Thence 166.11 feet along the arc of a curve to the right whose interior angle is $20^{\circ} 46' 16''$, whose radius is 458.20 feet and whose chord bears North $80^{\circ} 00' 47''$ East a distance of 165.20 feet;

Thence 33.70 feet along the arc of a curve to the right whose interior angle is $96^{\circ} 33' 07''$, whose radius is 20.00 feet and whose chord bears South $41^{\circ} 19' 31''$ East a distance of 29.85 feet;

Thence South $6^{\circ} 57' 02''$ West a distance of 92.14 feet;

Thence 279.86 feet along the arc of a curve to the right whose interior angle is $58^{\circ} 08' 44''$, whose radius is 275.77 feet and whose chord bears South $36^{\circ} 01' 24''$ West a distance of 268.01 feet;

Thence South $65^{\circ} 05' 46''$ West a distance of 420.33 feet;

Thence 539.94 feet along the arc of a curve to the left whose interior angle is $93^{\circ} 35' 28''$, whose radius is 330.55 feet and whose chord bears South $18^{\circ} 18' 02''$ West a distance of 481.88 feet;

Thence South $28^{\circ} 29' 42''$ East a distance of 120.50 feet;

Thence 348.93 feet along the arc of a curve to the right whose interior angle is $74^{\circ} 35' 42''$, whose radius is 268.01 feet and whose chord bears South $8^{\circ} 48' 09''$ West a distance of 324.80 feet;

Thence South $46^{\circ} 06' 00''$ West a distance of 20.00 feet to the point of beginning and containing in all 26.045 acres of land more or less.

Parcel #2 - A-O Zoning

A portion of A. F. Miller Survey 215 and a portion of A. F. Miller Survey 216, El Paso County, Texas, more particularly described by metes and bounds, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North $46^{\circ} 06' 00''$ East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North $43^{\circ} 54' 00''$ West along said easterlymost right of way line a distance of 30.00 feet to the point of beginning;

Thence North $43^{\circ} 54' 00''$ West along said easterlymost right of way line a distance of 1627.84 feet;

Thence North $46^{\circ} 06' 00''$ East a distance of 20.00 feet;

Thence 427.04 feet along the arc of a curve to the left whose interior angle is $74^{\circ} 35' 42''$, whose radius is 328.01 feet and whose chord bears North $8^{\circ} 48' 09''$ East a distance of 397.51 feet;

Thence North $28^{\circ} 29' 42''$ West a distance of 120.50 feet;

Thence 441.93 feet along the arc of a curve to the right whose interior angle is $93^{\circ} 35' 28''$, whose radius is 270.55 feet and whose chord bears North $18^{\circ} 18' 02''$ East a distance of 394.41 feet;

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

Thence North 65° 05' 46" East a distance of 245.00 feet;

Thence South 44° 28' 34" East a distance of 603.62 feet;

Thence South 71° 38' 19" East a distance of 492.05 feet;

Thence South 51° 52' 37" East a distance of 283.47 feet;

Thence South 44° 24' 34" East a distance of 342.96 feet;

Thence South 46° 06' 06" West a distance of 367.76 feet;

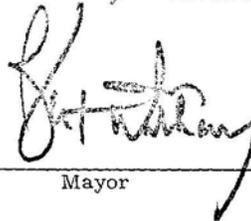
Thence South 44° 07' 24" East a distance of 496.02 feet;

Thence South 64° 34' 47" West a distance of 85.00 feet;

Thence 267.42 feet along the arc of a curve to the left whose interior angle is 18° 28' 47", whose radius is 829.12 feet and whose chord bears South 55° 20' 24" West a distance of 266.26 feet;

Thence South 46° 06' 00" West a distance of 517.00 feet to the point of beginning, containing in all 47.303 acres of land, more or less.

PASSED AND APPROVED this 7th day of September,
1972.



Mayor

ATTEST:



City Clerk

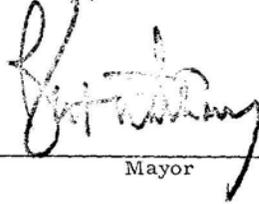
ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

RESOLUTION

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

That the Mayor be authorized to sign a contract with Mesa Vista, Inc., et al., placing certain restrictions on property rezoned by Ordinance No. 4928.

ADOPTED this 17th day of September, 1972.



Mayor

ATTEST:



City Clerk

122,3601

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

RESOLUTION

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

That the Mayor be authorized to sign an Amendment to Contract with Leavell Development Company, a Corporation, and El Paso Rock Quarries, Inc., a Corporation, which contract is dated September 5, 1972, and placed certain restrictions, conditions and covenants on portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216.

ADOPTED this 29 day of December, 1977.



Mayor Pat Ten

ATTEST:

W. R. [Signature] City Clerk
City Clerk

APPROVED AS TO FORM:

Wade Adkins
Wade Adkins
Assistant City Attorney

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared James P. Hallett, President of El Paso Rock Quarries, Inc., a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 22 day of November, 1977.

[Signature]
Notary Public in and for El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Don M. Pardo, Mayor P-13-70 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 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 29 day of December, 1977.

[Signature]
Notary Public in and for El Paso County, Texas.

9/30/78

APPROVED AS TO FORM:
[Signature]
Wade Adkins
Assistant City Attorney

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

1988
CONTRACT

This contract, made this 15th day of SEPTEMBER, 1972, by and between Mesa Vista, Inc., a corporation, First Party; Charles H. Leavell, H. D. Fulwiler, and Dutchie Boyd, James Egbert Boyd, Jan Boyd Blackwell and Donald P. Bondy (as Independent Executors of the Estate of William E. Boyd, deceased), and Times Enterprises, Inc., a corporation, Second Parties; and the City of El Paso, Third Party, WITNESSETH:

First Party has applied to the City of El Paso for rezoning of portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, all in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 4928, now pending before the City Council of the City of El Paso, a copy of which is marked "Exhibit A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is zoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. No apartments shall be permitted on the C-1 (commercial) zoned part of the property.
2. Not more than 700 apartment units shall be constructed or maintained on the 47.303 acres of A-O (apartment-office) zoned part of the property. No portion of the land shall have more than an average of 22 apartment units per acre.
3. No building, structure or part thereof shall be constructed on the property closer than 50 feet to the property line which runs along North Mesa Street, except on the northwesterly 250 feet of the C-1 zoned property, a canopy or appurtenance shall be permitted to be constructed no closer than 30 feet to the property line which runs along North Mesa Street.
- 4 (a). C-1 (commercial) zoned property: Before certificates of occupancy and compliance are issued for any buildings to be constructed on the property, First Party will, at its expense for that portion of the property which is developed, landscape the westerly 90 feet of the property adjacent to North Mesa Street, except the northwesterly 250 feet of the C-1 zoned property. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to stop, stand or park on the westerly 90 feet of the property; however, such 90 feet may be used for utility services, such as water, sewer and gas mains, and electrical services.

-1-

411 0514

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

4 (b). A-O (apartment-office) zoned property: Before certificates of occupancy and compliance are issued for any buildings to be constructed on the property, First Party will, at its expense for that portion of the property which is developed, landscape the westerly 25 feet of the property adjacent to North Mesa Street. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to stop, stand or park on the westerly 25 feet of the property, except ingress and egress shall be permitted across the 25 feet of property as approved by the City of El Paso City Council.

5. No building permits shall be issued for construction on the property until site development plans and architectural review of the proposed development on the property have been approved by the City Plan Commission of the City of El Paso.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party, Second Parties and their 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 release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties, the holders of recorded liens on the above property, consent to the placing of the above restrictions on the property.

Witness the following signatures and seals:

ATTEST:

MESA VISTA, INC., a corporation

Elyne B. Hennessy
Elyne B. Hennessy, Ass't Sec.

By Harry W. Buckley
Harry W. Buckley, President

Charles H. Leovell
Charles H. Leovell

H. D. Fulwiler
H. D. Fulwiler

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

RESOLUTION

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

That the Mayor be authorized to sign a partial release of restrictions which were placed on portions of Tracts 2A and 2F, A. F. Miller Survey #215 and a portion of Tract 1A, A. F. Miller Survey #216, by contract dated September 5, 1972.

ADOPTED this 2d day of September, 1980.

ATTEST:

Thomas O. Westfall
Mayor

William Keegan
City Clerk

CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: 2-D
 COUNTER
 ORIGINAL

9-17-80 CONTROL

R. Gonzalez

122-3601
SEP 15 1980
DEPARTMENT
OF PLANNING

Ord # 4928 X

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

AMENDMENT TO CONTRACT

This Amendment to Contract, made this 21 day of December, 1977, by and between LEAVELL DEVELOPMENT COMPANY, a Corporation, and EL PASO ROCK QUARRIES, INC., a Corporation, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

1. By contracted dated September 5, 1972, recorded in Book 411, page 0514 of the Deed Records of El Paso County, Texas, MESA VISTA, INC., CHARLES H. LEAVELL, H. D. FULWILER, et al., and the CITY OF EL PASO placed certain restrictions, conditions and covenants on portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, all in the City of El Paso, El Paso County, Texas. Reference is hereby made to such contract for the provisions thereof and for a metes and bounds description of the property. Conditions have changed and the parties now desire to amend such contract.

2. In consideration of the premises, the parties agree that Paragraph 4(a) of the above-described contract be and is hereby amended to read as follows:

4(a) C-1 (commercial) zoned property: Before Certificates of Occupancy and Compliance are issued for any buildings to be constructed on the property, the owners of the property will, at the owners' expense, for that portion of the property which is developed, landscape the westerly 15 feet of the property adjacent to North Mesa Street, except driveways for ingress and egress and excepting the northwesterly 250 feet of the C-1 zoned property. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to park on the westerly 50 feet of the property, which is not required to be landscaped; however, an on-site drive to facilitate interior traffic circulation may be permitted.

3. In other respects, such contract shall remain unchanged.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

Ordinance 4928
partial release dated 9/19/80

LEAVELL DEVELOPMENT COMPANY, a Corporation

By [Signature]
VICE-President

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

ATTEST:

[Signature]
Asst Secretary

EL PASO ROCK QUARRIES, INC., a
Corporation

By [Signature]
President

ATTEST:

[Signature]
Secretary

THE CITY OF EL PASO

By [Signature]
Mayor PRO-TEM

ATTEST:

[Signature]
City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Harry W. Buckley, Exec. Vice, President of Leavell Development Company, a Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 29 day of December, 1977.

[Signature]
Notary Public in and for El Paso County,
Texas.

JOANN VAN HOOK, NOTARY PUBLIC
In and For The County of El Paso, Texas
My Commission Expires March 15, 1977.

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

8/31/14
City Clerk
ADOPTED
9/17/14
City Clerk

4928

OK

AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACTS 2A AND 2F, A. F. MILLER SURVEY 215, AND A PORTION OF TRACT 1A, A. F. MILLER SURVEY, THE PENALTY BEING AS PROVIDED IN SECTION 25-10 OF THE EL PASO CITY CODE

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

That the zoning of portions of Tracts 2A and 2F, A. F. Miller Survey 215 and a portion of Tract 1A, A. F. Miller Survey 216, as more particularly described below, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Parcel #1 - C-1 Zoning

A portion of A. F. Miller Survey 215, more particularly described by metes and bounds as follows, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North 46° 06' 00" East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1717.84 feet to the point of beginning;

Thence North 43° 54' 00" West along said easterlymost right of way line a distance of 1459.68 feet;

Thence North 46° 06' 00" East a distance of 201.31 feet;

Thence 80.00 feet along the arc of a curve to the left whose interior angle is 10° 47' 28", whose radius is 424.74 feet and whose chord bears North 40° 42' 16" East a distance of 78.88 feet;

Thence 79.76 feet along the arc of a curve to the right whose interior angle is 10° 47' 28", whose radius is 423.51 feet and whose chord bears North 40° 42' 16" East a distance of 79.65 feet;

Thence 534.34 feet along the arc of a curve to the right whose interior angle is 56° 16' 09", whose radius is 544.12 feet and whose chord bears North 74° 14' 00" East a distance of 513.13 feet;

Thence South 77° 38' 00" East a distance of 460.48 feet;

Thence 350.58 feet along the arc of a curve to the left whose interior angle is 32° 44' 21", whose radius is 613.53 and whose chord bears North 85° 59' 50" East a distance of 345.33 feet;

ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

Thence 166.11 feet along the arc of a curve to the right whose interior angle is $20^{\circ} 46' 16''$, whose radius is 458.20 feet and whose chord bears North $80^{\circ} 00' 47''$ East a distance of 165.20 feet;

Thence 33.70 feet along the arc of a curve to the right whose interior angle is $96^{\circ} 33' 07''$, whose radius is 20.00 feet and whose chord bears South $41^{\circ} 19' 31''$ East a distance of 29.85 feet;

Thence South $6^{\circ} 57' 02''$ West a distance of 92.14 feet;

Thence 279.86 feet along the arc of a curve to the right whose interior angle is $58^{\circ} 08' 44''$, whose radius is 275.77 feet and whose chord bears South $36^{\circ} 01' 24''$ West a distance of 268.01 feet;

Thence South $65^{\circ} 05' 46''$ West a distance of 420.33 feet;

Thence 539.94 feet along the arc of a curve to the left whose interior angle is $93^{\circ} 35' 28''$, whose radius is 330.55 feet and whose chord bears South $18^{\circ} 18' 02''$ West a distance of 481.88 feet;

Thence South $28^{\circ} 29' 42''$ East a distance of 120.50 feet;

Thence 348.93 feet along the arc of a curve to the right whose interior angle is $74^{\circ} 35' 42''$, whose radius is 268.01 feet and whose chord bears South $8^{\circ} 48' 09''$ West a distance of 324.80 feet;

Thence South $46^{\circ} 06' 00''$ West a distance of 20.00 feet to the point of beginning and containing in all 26.045 acres of land more or less.

Parcel #2 - A-O Zoning

A portion of A. F. Miller Survey 215 and a portion of A. F. Miller Survey 216, El Paso County, Texas, more particularly described by metes and bounds, to wit:

From a point, said point being the intersection of the westerlymost right of way line of Mesa Street with the centerline of Festival Drive; thence North $46^{\circ} 06' 00''$ East a distance of 150.00 feet to a point lying in the easterlymost right of way line of Mesa Street; thence North $43^{\circ} 54' 00''$ West along said easterlymost right of way line a distance of 30.00 feet to the point of beginning;

Thence North $43^{\circ} 54' 00''$ West along said easterlymost right of way line a distance of 1627.84 feet;

Thence North $46^{\circ} 06' 00''$ East a distance of 20.00 feet;

Thence 427.04 feet along the arc of a curve to the left whose interior angle is $74^{\circ} 35' 42''$, whose radius is 328.01 feet and whose chord bears North $8^{\circ} 48' 09''$ East a distance of 397.51 feet;

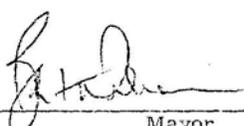
Thence North $28^{\circ} 29' 42''$ West a distance of 120.50 feet;

Thence 441.95 feet along the arc of a curve to the right whose interior angle is $93^{\circ} 35' 28''$, whose radius is 270.55 feet and whose chord bears North $18^{\circ} 18' 02''$ East a distance of 394.41 feet;

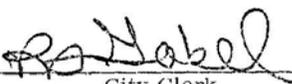
ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

Thence North 65° 05' 46" East a distance of 245.00 feet;
 Thence South 44° 28' 34" East a distance of 603.62 feet;
 Thence South 71° 38' 19" East a distance of 492.05 feet;
 Thence South 51° 52' 37" East a distance of 283.47 feet;
 Thence South 44° 24' 34" East a distance of 342.96 feet;
 Thence South 46° 06' 06" West a distance of 337.76 feet;
 Thence South 44° 07' 24" East a distance of 496.02 feet;
 Thence South 64° 34' 47" West a distance of 85.00 feet;
 Thence 267.42 feet along the arc of a curve to the left whose interior angle is 18° 28' 47", whose radius is 829.12 feet and whose chord bears South 55° 20' 24" West a distance of 266.26 feet;
 Thence South 46° 06' 00" West a distance of 517.00 feet to the point of beginning, containing in all 47.303 acres of land, more or less.

PASSED AND APPROVED this 7th day of September,
 1972.



 Mayor

ATTEST:


 City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
 HAVE BEEN REVISED: Joe Cardenas
~~10-24-72~~ COUNCIL
 10-24-72 ORIGINAL
 10-24-72 Body Inspection
 10-25-72 CONTROL [Signature]
 10-24-72 EDP

I certify that the zoning map has been revised to
 reflect the amendment of ordinance #4928
 By [Signature] Date 10-25-72

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ATTACHMENT 5: ORDINANCE 4928 (CONTINUED)

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Thomas D. Mostfelt, 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 SEAL OF OFFICE this 8th day of Sept, 1980.

Billie Jean Branham
Notary Public, El Paso County, Texas

My Commission Expires:

6/30/84

BILLIE JEAN BRANHAM, Notary Public
In and for the County of El Paso, Texas
My commission expires: _____

122.3601
SEP 14 1980
DEPARTMENT
OF PLANNING