



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

**Case No:** PZDS15-00001  
**Application Type** Detailed Site Development Plan Review  
**CPC Hearing Date** February 12, 2015  
**Staff Planner** Arturo Rubio, 915-212-1613, rubioax@elpasotexas.gov

**Location** South of Camelot Heights Drive and East of Mesa Street/4200 Camelot Heights Drive  
**Legal Description** A portion of Lot 1, Block 2, Camelot Heights Unit 2, Replat “A”, City of El Paso, El Paso County, Texas  
**Acreage** 2 acres  
**Rep District** 1  
**Existing Use** Vacant/Multi-family dwellings (Apartment Complex/4200 Camelot Heights Drive)  
**Existing Zoning** C-1/sc (Commercial/special contract)  
**C/SC/SP/ZBA/LNC** Special Contract, Ordinance No. 8616 dated March 11, 1986  
Partial Release Resolution dated June 12, 2007  
**Request** Detailed Site Plan Review as required by Special Contract  
**Proposed Use** Multi-family dwellings (Apartment Complex)

**Property Owner** Leyla Zeidan  
**Representative** Bashar Abugalyon

**North:** C-1 (Commercial)/Vacant/C-1/sc (Commercial/special contract)  
**South:** R-3 (Residential)/Single-family dwellings  
**East:** R-3 (Residential)/Single-family dwellings  
**West:** C-1 (Commercial)/Vacant/C-1/sc (Commercial/special contract)

**PLAN EL PASO DESIGNATION:** G-3, Post-War (Northwest Plan Area)  
**NEAREST PARK:** Mission Hills Park (5,912 feet)  
**NEAREST SCHOOL:** Mesita Elementary School (8,047 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Mission Hills Association  
Central Business Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing is not a requirement for a detailed site development plan per the El Paso City Code, Section 20.04.520 Notice.

### **APPLICATION DESCRIPTION**

The request is for a Detailed Site Development Plan Review as required by Special Contract Ordinance No. 8616, imposed on the rezoning request from A-2 and A-3 (Apartment) to C-1/sc (Commercial/special contract) approved by City Council on March 11, 1986 (Attachment 4, pg. 8). The special contract imposed the following conditions:

- 1. Prior to the issuance of a grading permit, a detailed site development plan must be approved by the City Plan commission and the Mayor and City Council.*

Condition #1 will be satisfied with the submittal and approval of the detailed site development plan reviewed by CPC and approved by City Council.

2. *Prior to the issuance of any building permits, a subdivision plat must be filed of record.*

Condition #2 has been satisfied through the submittal and approval of the Camelot Heights Unit 2 Replat A subdivision recorded September 2009.

3. *Prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton to Mesa Street.*

Condition #3 was released by Resolution dated June 12, 2007.

4. *The maximum height of any building(s) constructed on parcel 4 (A-O) shall not exceed 35 feet.*

Condition #4 does not apply to the subject property.

5. *The maximum height of any buildings constructed on Parcel 3 (C-1) shall not exceed three stories or 41 feet.*

Condition #5 has been satisfied, the maximum height proposed is 27' feet, 8" inches.

6. *Parcel 3 can only be used for the following purposes:*
  - a) *Banks, or other similar financial institutions, drive-in or otherwise.*
  - b) *Institutions, philanthropic, including museums, art galleries and libraries.*
  - c) *Offices, businesses and professional, including doctors' offices, clinics and other medical practitioners; hospitals; convalescent; nursery or rest homes.*
  - d) *Multi-family dwellings (apartment house) including elderly and all of the uses and development standards listed in Section 25-32.2 (11).*
  - e) *Retail sales of office supplies and stationary, computer hardware sales and service; and accessory storage of gasoline or diesel fuel with pumps. The sale of such fuels to the public shall be prohibited.*
  - f) *Advertising sign in accordance with the provisions of Section 25-32.4.*

Condition #6 has been satisfied as only multi-family dwellings, a use permitted by condition #6 is proposed.

On June 12, 2007 the City Council approved a Resolution releasing condition #3 prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton to Mesa Street from Special Contract 8616 imposed on the subject property, the other 5 conditions remain in effect (Attachment 5 pg. 17). The detailed site development plan shows a 5 building apartment complex with 4 individual units totaling 20 units ranging in size from 1,290 square feet to 1,630 square feet for a total of 29,840 square feet of living area. The development requires a minimum of 40 parking spaces for 20 units and 3 bicycle parking spaces. The applicant is providing 40 parking spaces and 3 bicycle parking spaces. The development meets the landscaped area requirements of Title 18.46 to include plant material and trees which will be required as part of a landscape plan permit at the time building permits are submitted. The proposed development complies with all of the requirements of Section 20.04.150, Detailed Site Development Plan. Access is proposed from Camelot Heights Drive.

#### **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the detailed site development plan as it meets all the requirements of Sections 20.04.150, Detailed Site Development Plan. The proposed development complies with Plan El Paso Land Use Designation of G-3 Post-War in the Northwest Plan Area.

## ANALYSIS

### 20.04.140 When required.

*Note: Detailed Site Development Plan review is required as part of the Special Contract condition imposed by Ordinance No. 8616 dated March 11, 1986. The Special Contract Condition also requires City Council review and approval.*

### 20.04.150 Procedure.

- 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 have reviewed the detailed site development plan, which meets City Code requirements, of Section 20.04.150 Detailed Site Development Plan and therefore recommend approval.*

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

All applications for rezoning shall demonstrate compliance with the following criteria:

G-3 – Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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 district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

### **COMMENTS:**

#### **Planning Division - Transportation**

No objections

**General Note:**

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

**TXDOT**

Not a State roadway

**Planning and Inspections – Building and Development Permitting**

Recommend approval

**Planning and Inspections – Building and Development Permitting-Landscaping**

No comments received

**Planning and Inspections - Land Development**

1. Show proposed storm-water runoff direction arrows toward pond.
2. Label pond as a “private pond”

**Fire Department**

Please coordinate with EPFD Plan review during the building permit phase to ensure an appropriate surface is provided per section SECTION 504 - ACCESS TO BUILDING OPENINGS AND ROOFS.

Recommend “APPROVAL” of “Application” as presented. PZDS15-00001 \*\*\*\*\*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 the following sections of the fire code; Chapter 5 Fire Service Features, and Appendix D Fire Apparatus Access Roads, Please note: Fire Protection Systems are not being reviewed at this time “When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”. The Fire Planning Division has reviewed the submitted “Detailed Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES Comply within the zoning regulations. Please note: SECTION 504 - ACCESS TO BUILDING OPENINGS AND ROOFS 504.1 Required access. Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official.

**El Paso Water Utilities-PSB**

No comments received

**Sun Metro**

Sun Metro does not oppose this request. Routes 14 and 15 provide services along Mesa with two bus stops located along Mesa west of the property. Sun Metro recommends the construction of sidewalks to permit pedestrian access to mass transit opportunities.

**El Paso Police Department**

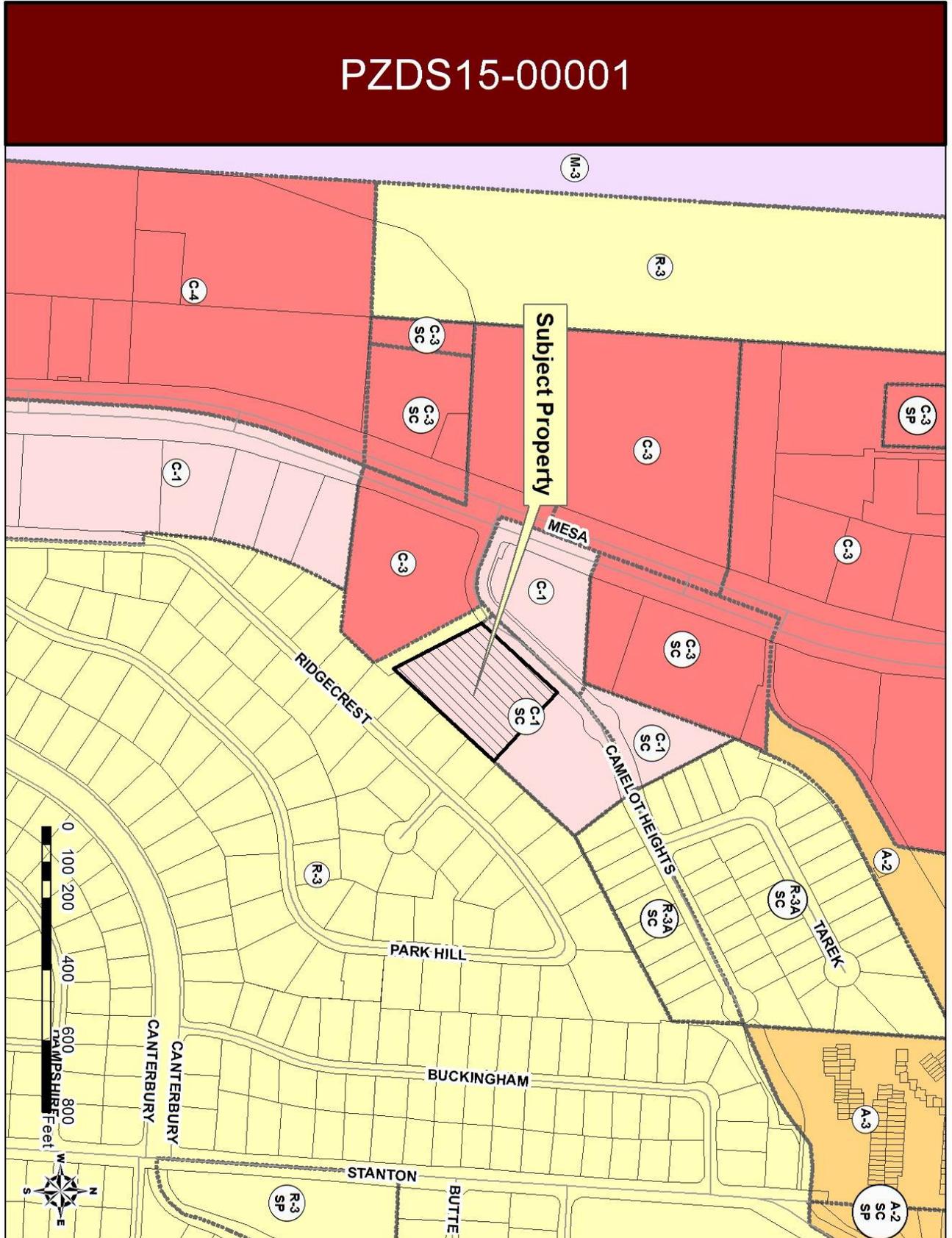
No comments received

**Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Special Contract Ordinance No. 8616 dated March 11, 1986
5. Partial release Resolution dated June 12, 2007

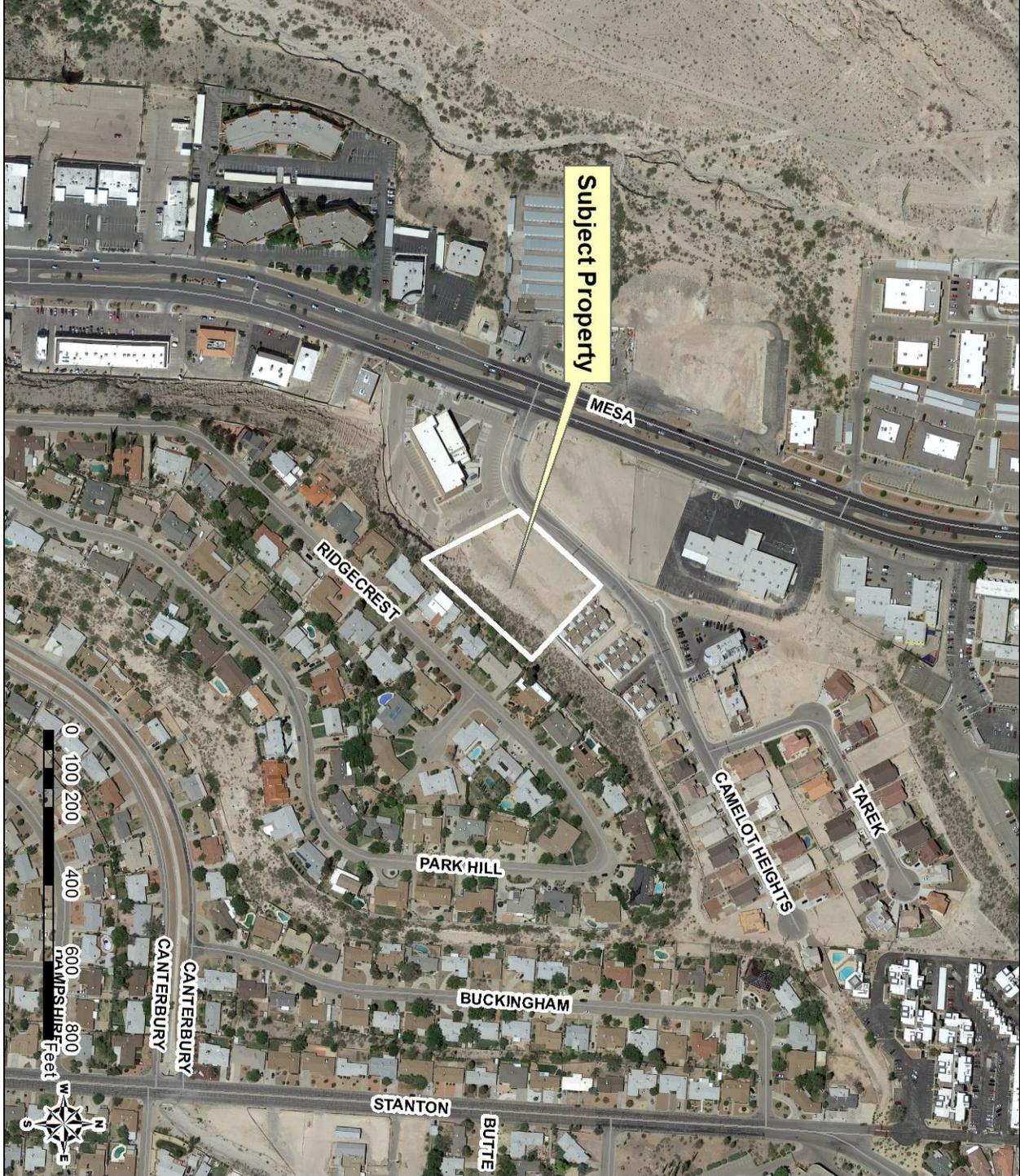
**ATTACHMENT 1: ZONING MAP**

**PZDS15-00001**

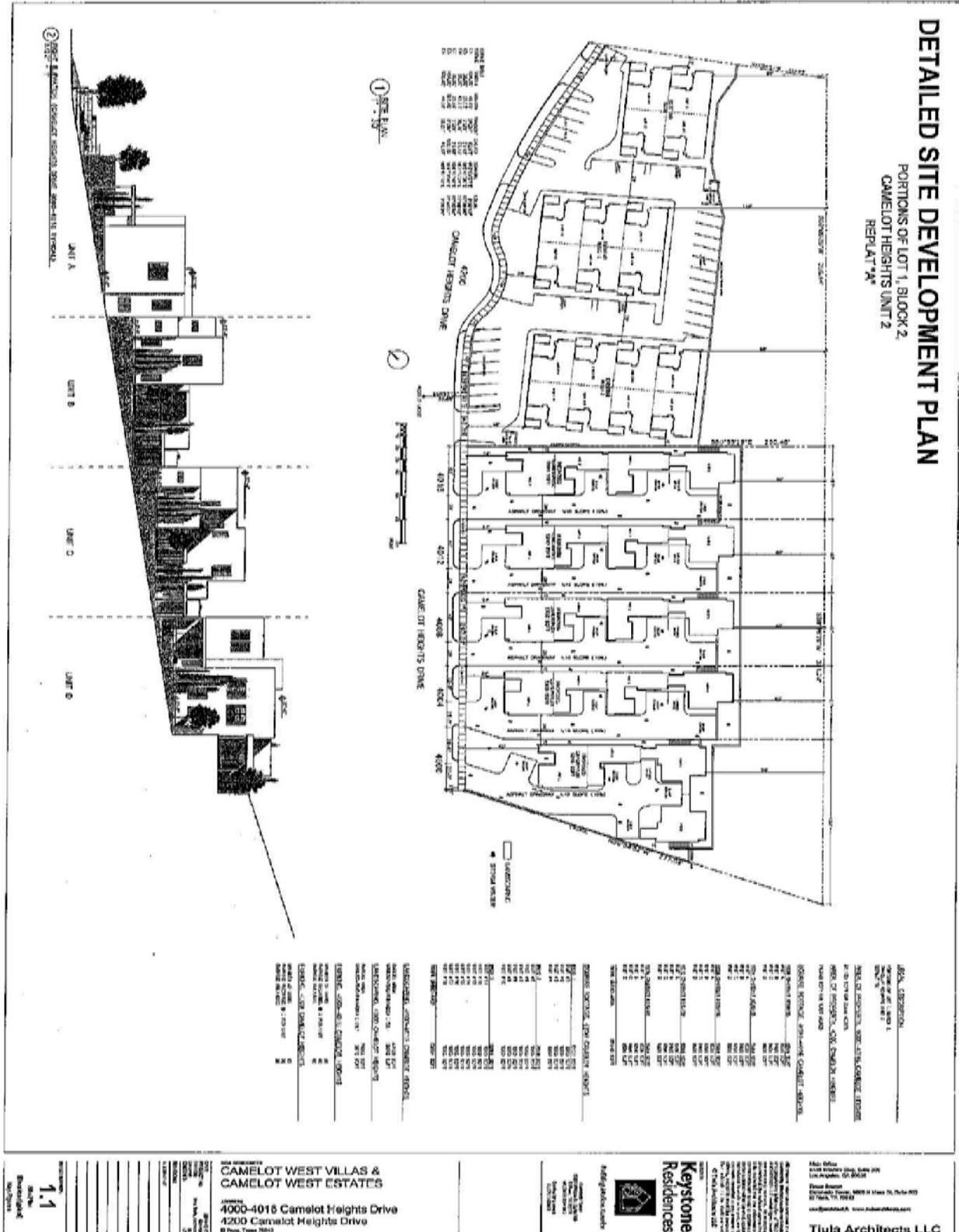


ATTACHMENT 2: AERIAL MAP

PZDS15-00001



**ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN**



**ATTACHMENT 4: SPECIAL CONTRACT ORDINANCE NO. 8616**

**8616**

AN ORDINANCE CHANGING THE ZONING OF ALL OF LOTS 1-15, BLOCK 2; ALL OF LOT 2, BLOCK 3; A PORTION OF CAMINO DEL FUEGO RIGHT-OF-WAY TO BE VACATED, AND A PORTION OF DESHAZO DRIVE RIGHT-OF-WAY; ALL OF LOTS 1-12, AND A PORTION OF LOT 13, BLOCK 1, LOMAS DEL REY SUBDIVISION, THE PENALTY BEING AS PROVIDED IN SECTION 25-96 OF THE EL PASO CITY CODE

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

That the zoning of all of Lots 1-15, Block 2; all of Lot 2, Block 3; a portion of Camino Del Fuego right-of-way to be vacated, and a portion of Deshazo Drive right-of-way; all of Lots 1-12, and a portion of Lot 13, Block 1, Lomas Del Rey Subdivision, as more particularly described by metes and bounds in the attached Exhibits "A" through "D," be changed in the following manner:

Parcel 1 (8.865 acres) be changed from A-3 (Apartment) to A-3/0 (Apartment/Office)

Parcel 2 (1.528 acres) be changed from A-2 and A-3 to C-1 (Commercial)

Parcel 3 (4.798 acres) be changed from A-2 and A-3 to C-1

Parcel 4 (4.162 acres) be changed from A-2 to A-0

within the meaning of the zoning ordinance, subject to a special contract placing certain restrictions, conditions and covenants on the property, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 11<sup>th</sup> day of March, 1986.

I certify that the zoning map has been revised to reflect the amendment of ordinance # 8616 on 3/15/86 Date 4-15-86

Jonathan W. Pappas  
Mayor

ATTEST:  
Carole Hunter  
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED: 2, D.  
4-15-86 COUNTER  
4-15-86 ORIGINAL  
4-15-86 Blng. Inspection  
4-15-86 CONTROL R. Foy

APPROVED AS TO FORM:  
John Paul  
Assistant City Attorney

APPROVED AS TO CONTENT:  
Tom Helgand  
Planning Department

Contract 3/11/86  
**8616**

85-5140  
**RECEIVED**  
APR 10 1986  
PLANNING DEPARTMENT

PREPARED FOR: Sierra Properties, Inc.  
Being all of Lots 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12,  
13, 14, 15 and a portion of Lot 8, Block 2, plus a  
portion of Lot 1, Block 1, and a portion of the  
Camino Del Fuego right-of-way to be vacated and  
a portion of the Pedregal Drive right-of-way, Lomas  
Del Rey, City of El Paso, El Paso County, Texas.

A-3 to A-3/0

PARCEL NO. 1  
PROPERTY DESCRIPTION

Description of a parcel of land being all of Lots 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15 and a portion of Lot 8, Block 2, plus a portion of Lot 1, Block 1, and a portion of the Camino Del Fuego right-of-way to be vacated and a portion of the Pedregal Drive right-of-way, Lomas Del Rey, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the northwesternmost corner of Lot 3, Block 3 and said point also located on the easterly right-of-way of North Mesa Street: thence, North 89° 57' 08" East along the northerly property line of Lot 3, Block 3 a distance of 312.72 feet to a point lying on the northerly right-of-way of Pedregal Drive; thence, North 16° 25' 32" East a distance of 444.02 feet to the POINT OF BEGINNING;

Thence, North 16° 25' 32" East a distance of 33.00 feet;

Thence, 44.03 feet along the arc of a curve to the left whose radius is 1,823.84 feet, whose interior angle is 01° 22' 59" and whose chord bears North 15° 44' 02" East a distance of 44.02 feet to a point being the southeasternmost corner of Lot 1, Block 3;

Thence, North 17° 08' 04" East along the southeasterly property line of Lot 1, Block 3 a distance of 42.22 feet;

Thence, 308.40 feet along said property line and along the arc of a curve to the right whose radius is 417.90 feet, whose interior angle is 42° 16' 58" and whose chord bears North 37° 34' 01" East a distance of 301.45 feet;

Thence, North 58° 42' 30" East along said property line a distance of 679.06 feet;

Thence, South 560.94 feet to a point being the southeasternmost corner of Lot 15, Block 2;

Thence, South 36.50 feet to a point lying on the centerline of Pedregal Drive;

Thence, South 73° 30' 25" West along said centerline a distance of 163.64 feet;

Thence, 335.03 feet along said centerline and along the arc of a curve to the left whose radius is 1,288.40 feet, whose interior angle is 14° 53' 56" and whose chord bears South 65° 03' 27" West a distance of 334.09 feet;

Thence, South 58° 36' 29" West along said centerline a distance of 155.82 feet;

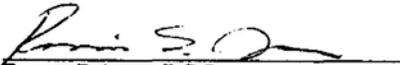
Thence, 98.35 feet along said centerline and along the arc of a curve to the right whose radius is 827.42 feet, whose interior angle is 06° 48' 38" and whose chord bears South 55° 12' 10" West a distance of 98.30 feet;

PARCEL 1

85-5140

Thence, North 24° 55' 00" West a distance of 36.46 feet to a point on the northerly right-of-way of Pedregal Drive;

Thence, North 30° 55' 25" West a distance of 207.10 feet to the POINT OF BEGINNING and containing in all 386,145.186 square feet or 8.865 acres of land, more or less.

  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

December 11, 1985

*Parcel 1*

*85-5140*

PREPARED FOR: Sierra Properties, Inc.  
Being all of Lot 2, Block 3, a portion of Lot 8,  
Block 2, a portion of the Camino Del Fuego  
right-of-way to be vacated and a portion of  
the Pedregal Drive right-of-way, Lomas Del  
Rey, City of El Paso, El Paso County, Texas.

A-2-A-3  $\frac{1}{4}$  C1

PARCEL NO. 2  
PROPERTY DESCRIPTION

Description of a parcel of land being all of Lot 2, Block 3, a portion of Lot 8, Block 2, a portion of the Camino Del Fuego right-of-way to be vacated and a portion of the Pedregal Drive right-of-way, Lomas Del Rey, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

From a point, said point being the northwesternmost corner of Lot 3, Block 3 and said point also located on the easterly right-of-way of North Mesa Street; thence, North 89° 57' 08" East a distance of 312.72 feet along the northerly property line of Lot 3, Block 3 to a point lying on the northwesterly right-of-way of Pedregal Drive and said point being the POINT OF BEGINNING:

Thence, North 16° 25' 32" East a distance of 444.02 feet to a point lying on the westerly right-of-way of Camino Del Fuego:

Thence, South 30° 55' 25" East a distance of 207.10 feet:

Thence, South 24° 55' 00" East a distance of 36.46 feet to a point lying on the centerline of Pedregal Drive:

Thence, 183.25 feet along said centerline and along the arc of a curve to the left whose radius is 827.42 feet, whose interior angle is 12° 41' 22" and whose chord bears South 45° 27' 10" West a distance of 182.88 feet:

Thence, South 39° 06' 29" West along said centerline a distance of 433.96 feet:

Thence, 150.55 feet along said centerline and along the arc of a curve to the right whose radius is 128.13 feet, whose interior angle is 57° 19' 03" and whose chord bears South 72° 46' 00" West a distance of 142.04 feet:

Thence, North 73° 34' 28" West along said centerline a distance of 102.00 feet to a point lying on the easterly right-of-way of North Mesa Street:

Thence, North 16° 25' 32" East along said right-of-way a distance of 80.00 feet:

Thence, 31.42 feet along the arc of a curve to the left whose radius is 20.00 feet, whose interior angle is 90° 00' 00" and whose chord bears South 28° 34' 28" East a distance of 28.28 feet to a point lying on the northwesterly right-of-way of Pedregal Drive:

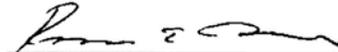
Thence, South 73° 34' 28" East along said right-of-way a distance of 82.00 feet:

f. 2

85-5140

Thence, 125.95 feet along said right-of-way and along the arc of a curve to the left whose radius is 107.20 feet, whose interior angle is 67° 19' 03" and whose chord bears North 72° 46' 00" East a distance of 118.83 feet;

Thence, North 38° 39' 33" East along said right-of-way a distance of 258.89 feet to the POINT OF BEGINNING and containing in all 66,558.624 square feet or 1.528 acres of land, more or less.

  
\_\_\_\_\_  
Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

December 11, 1985

*Parcel 2*

*85-5140*

PREPARED FOR: Sierra Properties, Inc.  
Being all of Lots 8, 9, 10, 11, 12 and a portion of Lot  
13, Block 1, plus a portion of the Pedregal Drive right-  
of-way, Lomas Del Rey, City of El Paso, El Paso County,  
Texas.

*A-2, A-3, C!*

PARCEL NO. 3  
PROPERTY DESCRIPTION

Description of a parcel of land being all of Lots 8, 9, 10, 11, 12 and a portion of Lot  
13, Block 1, plus a portion of the Pedregal Drive right-of-way, Lomas Del Rey, City  
of El Paso, El Paso County, Texas and being more particularly described by metes  
and bounds as follows:

*DISTANCE*

From a point, said point being the southwesternmost corner of Lot 14, Block 1, and  
said point also located on the easterly right-of-way line of North Mesa Street:  
thence, North 89° 57' 08" East along the southerly property line of Lot 14, Block  
1; thence, North 39° 06' 29" East along the southeasterly property line of Lot 13,  
Block 1, a distance of 173.41 feet to the POINT OF BEGINNING;

Thence, North 30° 56' 52" West a distance of 277.08 feet to  
a point lying on the southeasterly right-of-way line of Pedregal  
Drive;

Thence, 175.14 feet along said right-of-way and along the arc  
of a curve to the right whose radius is 149.07 feet, whose interior  
angle is 67° 19' 03" and whose chord bears South 72° 46' 00"  
West a distance of 165.24 feet;

Thence, North 73° 34' 28" West along said right-of-way a  
distance of 82.00 feet;

Thence, 31.42 feet along the arc of a curve to the left whose  
radius is 20.00 feet, whose interior angle is 90° 00' 00" and whose  
chord bears South 61° 25' 32" West a distance of 28.28 feet;

Thence, North 16° 25' 32" East a distance of 80.00 feet to a  
point lying on the centerline of Pedregal Drive;

Thence, South 73° 34' 28" East along said centerline a distance  
of 102.00 feet;

Thence, 150.55 feet along said centerline and along the arc  
of a curve to the left whose radius is 128.14 feet, whose interior  
angle is 67° 19' 03" and whose chord bears North 72° 46' 00"  
East a distance of 142.04 feet;

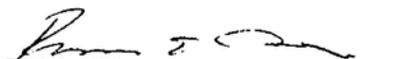
Thence, North 39° 06' 29" East along said centerline a distance  
of 433.96 feet;

Thence, 183.25 feet along said centerline and along the arc  
of a curve to the right whose radius is 827.42 feet; whose interior  
angle is 12° 41' 22" and whose chord bears North 45° 27' 10"  
East a distance of 182.88 feet;

Thence, South 24° 55' 00" East a distance of 36.65 feet to a  
point lying on the southerly right-of-way line of Pedregal Drive;

Thence, South 41° 05' 31" East a distance of 246.91 feet;

Thence, South 39° 06' 29" West a distance of 888.19 feet to the POINT OF  
BEGINNING and containing in all 208,989.549 square feet or 4.798 acres of land,  
more or less.



Ramon E. Lara, R.P.S.  
BOHANNAN-HUSTON, INC.

December 11, 1985

*85-5140*

THE STATE OF TEXAS )  
                          )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 11<sup>th</sup> day of March, 1986, by and between DON DESHAZO, First Party, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning all of Lots 1-15, Block 2; all of Lot 2, Block 3; a portion of Camino Del Fuego right-of-way to be vacated, and a portion of Deshazo Drive right-of-way; all of Lots 1-12, and a portion of Lot 13, Block 1, LOMAS DEL REY SUBDIVISION, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibits "A" through "D" which are made a part hereof by reference.

To remove certain objections to such rezoning, First Party covenants that if the property is rezoned in the following manner:

Parcel 1 (8.865 acres) be changed from A-3 (Apartment) to A-3/0 (Apartment/Office)

Parcel 2 (1.528 acres) be changed from A-2 and A-3 to C-1 (Commercial)

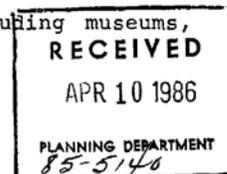
Parcel 3 (4.798 acres) be changed from A-2 and A-3 to C-1

Parcel 4 (4.162 acres) be changed from A-2 to A-0

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

- 1) Prior to the issuance of a grading permit, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council.
- 2) Prior to the issuance of any building permits, a subdivision plat must be filed of record.
- 3) Prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton Street to Mesa Street.
- 4) The maximum height of any building(s) constructed on Parcel 4 (A-0) shall not exceed 35 feet.
- 5) The maximum height of any buildings constructed on Parcel 3 (C-1) shall not exceed three stories or 41 feet.
- 6) Parcel 3 can only be used for the following purposes:
  - a) Banks, or other similar financial institutions, drive-in or otherwise.
  - b) Institutions, philanthropic, including museums, art galleries and libraries.

*Ord # 8616*



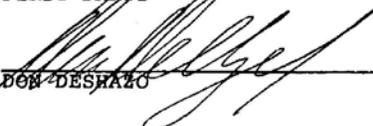
- c) Offices, business and professional, including doctors' offices, clinics and other medical practitioners; hospital; convalescent; nursery or rest homes.
- d) Multi-family dwellings (apartment house) including elderly and all of the uses and development standards listed in Section 25-32.2(11).
- e) Retail sales of office supplies and stationary, computer hardware sales and service; and accessory storage of gasoline or diesel fuel with pumps. The sale of such fuels to the public shall be prohibited.
- f) Advertising sign in accordance with the provisions of Section 25-32.4.

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

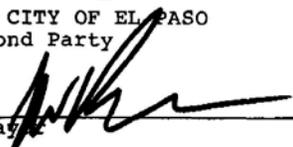
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting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

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

FIRST PARTY

  
 \_\_\_\_\_  
 DON DESHAIO

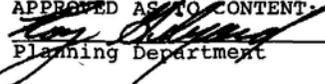
THE CITY OF EL PASO  
 Second Party

By   
 \_\_\_\_\_  
 Mayor

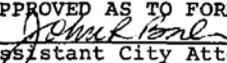
ATTEST:

  
  
 \_\_\_\_\_  
 City Clerk

APPROVED AS TO CONTENT:

  
 \_\_\_\_\_  
 Planning Department

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Assistant City Attorney



a

**RESOLUTION**

CITY CLERK DEPT.

07 MAY 21 PM 1:48

**A RESOLUTION PARTIALLY RELEASING CONDITIONS PLACED ON PROPERTY BY A CONTRACT DATED MARCH 11, 1986, WHICH IMPOSED CONDITIONS ON LOTS 1 AND 2, BLOCK 5, AND LOTS 1 AND 2, BLOCK 6, CAMELOT HEIGHTS, UNIT TWO, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

**WHEREAS**, the zoning of the property described as *Lots 1 and 2, Block 5, and Lots 1 and 2, Block 6, Camelot Heights Unit Two, City of El Paso, El Paso County, Texas*, was changed by City Council on March 11, 1986; and,

**WHEREAS**, the rezoning was subject to the property owner entering into a contract with the city and such contract imposed the following zoning conditions, in part:

- 1) Prior to the issuance of a grading permit, a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council;
- 2) Prior to the issuance of any building permits, a subdivision plat must be filed of record;
- 3) Prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton Street to Mesa Street; 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**, on March 27, 2007, portions of the subject property were rezoned from apartment districts to residential districts; and,

**WHEREAS**, the owner (applicant) submitted an application requesting the removal of two of the above conditions on the above described property; and,

**WHEREAS**, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended a partial release of the conditions; and,

**WHEREAS**, the City Council of the City of El Paso has determined that a partial release of the above conditions will protect the best interest, health, safety and welfare of the public in general.

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

That above zoning Condition 1 imposed by contract dated March 11, 1986 and requiring that prior to the issuance of a grading permit a detailed site development plan must be approved by the City Plan Commission and the Mayor and City Council, be released on the portion of land identified in Exhibit "A" as Parcel 1 (8.865 acres) and Parcel 4 (4.162 acres); and,

nfm011

**CONTRACT RELEASE ZON07-00008**

That above Condition 3 imposed by contract dated March 11, 1986 and requiring that prior to the issuance of building permits, DeShazo Drive must be built to City standards from Stanton Street to Mesa Street, be released on the portion of land identified in Exhibit "B" as Parcel 1 (8.865 acres), Parcel 2 (1.528 acres), Parcel 3 (4.798 acres), and Parcel 4 (4.162 acres).

2. Except as herein amended, the contract dated March 11, 1986 shall remain in full force and effect.

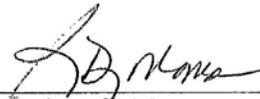
PASSED AND APPROVED this 12<sup>th</sup> day of June, 2007.

THE CITY OF EL PASO

  
John F. Cook  
Mayor

CITY CLERK DEPT.  
07 MAY 21 PM 1:49

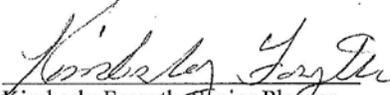
ATTEST:

  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
Kimberly Forsyth, Senior Planner  
Development Services Department

nfm011

CONTRACT RELEASE ZON07-00008

