City of El Paso – City Plan Commission Staff Report
(TO BE POSTPONED)

Case No:	PZCR14-00008 (Related to Rezoning Application PZRZ14-00048)
Application Type:	Zoning Condition Release
CPC Hearing Date:	November 20, 2014
Staff Planner:	Andrew Salloum, 915-212-1613, salloumam@elpasotexas.gov
Location:	6927, 6851, and 6801 N. Mesa Street
Legal Description:	**Parcel 1:** Tracts 1A and 1C, A.F. Miller Survey No. 211 and Tracts 15J, 15J1A, and 15J1B, A.F. Miller Survey No. 213, City of El Paso, El Paso County, Texas **Parcel 2:** Tracts 1B, A.F. Miller Survey No. 211, and Tracts 15H and 15T, A.F. Miller Survey No. 213, City of El Paso, El Paso County, Texas
Acreage:	9.1057 acres
Rep District:	8
Zoning:	C-1/sc (Commercial/special contract) and C-3/sc (Commercial/special contract)
Existing Use:	Office and vacant
C/SC/SP/ZBA/LNC:	**Parcel 1:** Special Contract: Ordinance No. 5714 dated March 25, 1976 (Attachment #4) **Parcel 2:** Special Contract: Ordinance No. 6206 dated April 11, 1978 (Attachment #5)
Request:	Release of Special Contract conditions Ordinance No. 5714 dated March 25, 1976 and Ordinance No. 6206 dated April 11, 1978
Proposed Use:	Commercial Development (supermarket, retail, and offices)
Property Owner:	CSM Realty Holdings, LTD
Representative:	SLI Engineering, Inc.

SURROUNDING ZONING AND LAND USE
North: C-3/sc (Commercial/special contract) / Retail
South: P-RII (Planned Residential II) / Town homes
East: C-3/sc (Commercial/special contract) / Vacant
West: C-1 (Commercial) / Medical office complex

PLAN EL PASO DESIGNATION: G-4, Suburban (Walkable) (Northwest Planning Area)
NEAREST PARK: Irwin Lambka Park (2,809 feet)
NEAREST SCHOOL: Coronado High School (742 feet)

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

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on November 5, 2014. The Planning Division received an e-mail in opposition to the condition release request (Attachment #6).

CASE HISTORY
On March 25, 1976, the City Council approved a rezoning request for Parcel 1 from A-O (Apartment/Office) to C-1/sc (Commercial/special contract) and imposed special contract conditions by Ordinance No. 5714, summarized below (see Attachment #4):

1. *No building permits shall be issued for construction on the property until complete and detailed site development and architectural plans of the proposed development have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso.* See Attachment #4.

   Condition #1 is a current code requirement.

2. *No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have… installed… sidewalks…* See Attachment #4.

   Condition #2 is a current code requirement.

3. *No median openings shall be permitted in the Mesa Avenue traffic median adjacent to the property,* See Attachment #4.

   Condition #3 is a current code requirement which TXDOT and EPDOT review.

4. *No storm water runoff from the property shall be discharged into Mesa Avenue. See Attachment #4.*

   Condition #4 is a current code requirement.

5. *If application is ever made to the City to add the property to the districts designated as nonresidential so as to permit the sale of alcoholic beverage as provided…* See Attachment #4.

   Condition #5 is a current code requirement.

6. *No billiard hall or skill or pleasure coin-operated machine establishment shall be permitted on the property…* See Attachment #4.

   Condition #6 is a current code requirement.

On April 11, 1978, City Council approved a rezoning request for Parcel 2 from R-3 (Residential) to C-3/sc (Commercial/special contract) and imposed special contract conditions by Ordinance No. 6206 summarized below (see Attachment #5):

1. *No building permits shall be issued for construction on the property until the following conditions have been met:*
   a. *Complete and detailed site development and architectural plans of the proposed development on the property must be submitted…* See Attachment #5.
   b. *Drainage and grading plans for the proposed development on the property must be submitted…* See Attachment #5.
   c. *First Parties shall, at no cost to the City, dedicate as a public street a sufficient amount of the property along Mesa Street to provide a traffic deceleration lane on Mesa Street…* See Attachment #5.

   Condition #1 is a current code requirement which TXDOT and EPDOT review.

2. *No certificates of occupancy and compliance shall be issued for any buildings constructed on the property until First Parties have, at no cost to the City, done the following:*
   a. *Developed the property in accordance with the approved site plans and architectural plans.*
   b. *Done all grading and made all drainage improvements required by the approved grading and drainage plans…* See Attachment #5.
   c. *Installed concrete sidewalks along the boundaries of the property adjacent to Pitt Street and Mesa Street…* See Attachment #5.
   d. *Constructed a six-foot high masonry screening wall along the easterly and southerly boundaries of the property…* See Attachment #5.

Condition #2 is a current code requirement.

3. *No billiard hall, or skill or pleasure coin-operated machine establishments shall be permitted on the property…* See Attachment #5.

   Condition #3 is a current code requirement.

4. *No alcoholic beverages shall be sold or served on the property except as an incident to the furnishings of meals, and no bar or saloon will be operated on the premises.*

   Condition #4 is a current code requirement.

5. *First Parties shall develop all of the property and shall not sell any part thereof which has not first been developed…* See Attachment #5.

   Condition #5 is a current code requirement.

6. *It is agreed that if the provisions of paragraph 5 above are violated by First Parties…*See Attachment#5.

   Condition #6 is a current code requirement.

APPLICATION DESCRIPTION

The applicant is requesting to release all special contract conditions imposed on Parcel 1 by Ordinance No. 5714, dated March 25, 1976, (see Attachment #4) and on Parcel 2 by Ordinance No. 6206 dated April 11, 1978, (see Attachment #5). The conditions imposed by the rezoning special contract are either current code requirements, no longer applicable, or have been satisfied. All proposed uses shall comply with all City Code requirements prior to the issuance of a permit and certificate of occupancy. This case is related to rezoning application (PZRZ14-00048).

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the condition release request, as the conditions are 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-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-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Planning Division - Transportation

Traffic Impact Analysis (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.

El Paso Department of Transportation
EPDOT offers no objections to the release of all the conditions.

Texas Department of Transportation
Developer need to submit master grading and drainage plans to TxDOT for Review and approval as well as the landscaping plan. Developer needs to submit a request for access to TxDOT and a master plan for entire frontage to Mesa St. (SH-20).

City Development Department – Building and Development Permitting
No objection to proposed conditions release.

City Development Department - Land Development
1. Show drainage flow patterns of proposed development on detailed site plan.
2. All developed storm water runoff shall be addressed within the subdivision limits and shall comply with all provisions of (DSC, 19.19.010 and DDM, 11.1).
3. Coordination with TXDOT for access and drainage is required.

Fire Department
The fire department has no objections to the condition release case of PZCR14-00008.

Police Department
EPPD does not have any concern or comments.

El Paso Water Utilities
EPWU does not object to this request.

Mesa Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Mesa Street right-of-way requires written permission from TxDOT.

Water
There is an existing 16-inch diameter water main extending along Mesa Street. The water main is located approximately 25-ft north of the property's northern boundary line. No direct service connections are allowed to these mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

There is an existing 24-inch diameter water transmission main extending along Mesa St. The main is located approximately 10 feet north of the right of way center line. No direct service connections are allowed to these mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

There is an existing 6-inch diameter water main that extends along Pitt St. this main is available for service. The main is located approximately 10 feet west of the street centerline.

Previous water pressure tests from fire hydrant #1551 located on Mesa St approximately 680 feet east of the intersection of Mesa St and Pitt St. have yielded a static pressure of 98 (psi) pounds per square inch, a residual pressure of 86 (psi) pounds per square inch, and a discharge of 1186 (gpm) gallons per minute. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

EPWU records indicate three active 1 1/2-inch water meters serving the subject property. The service addresses for this meter is 6927 North Mesa Street.

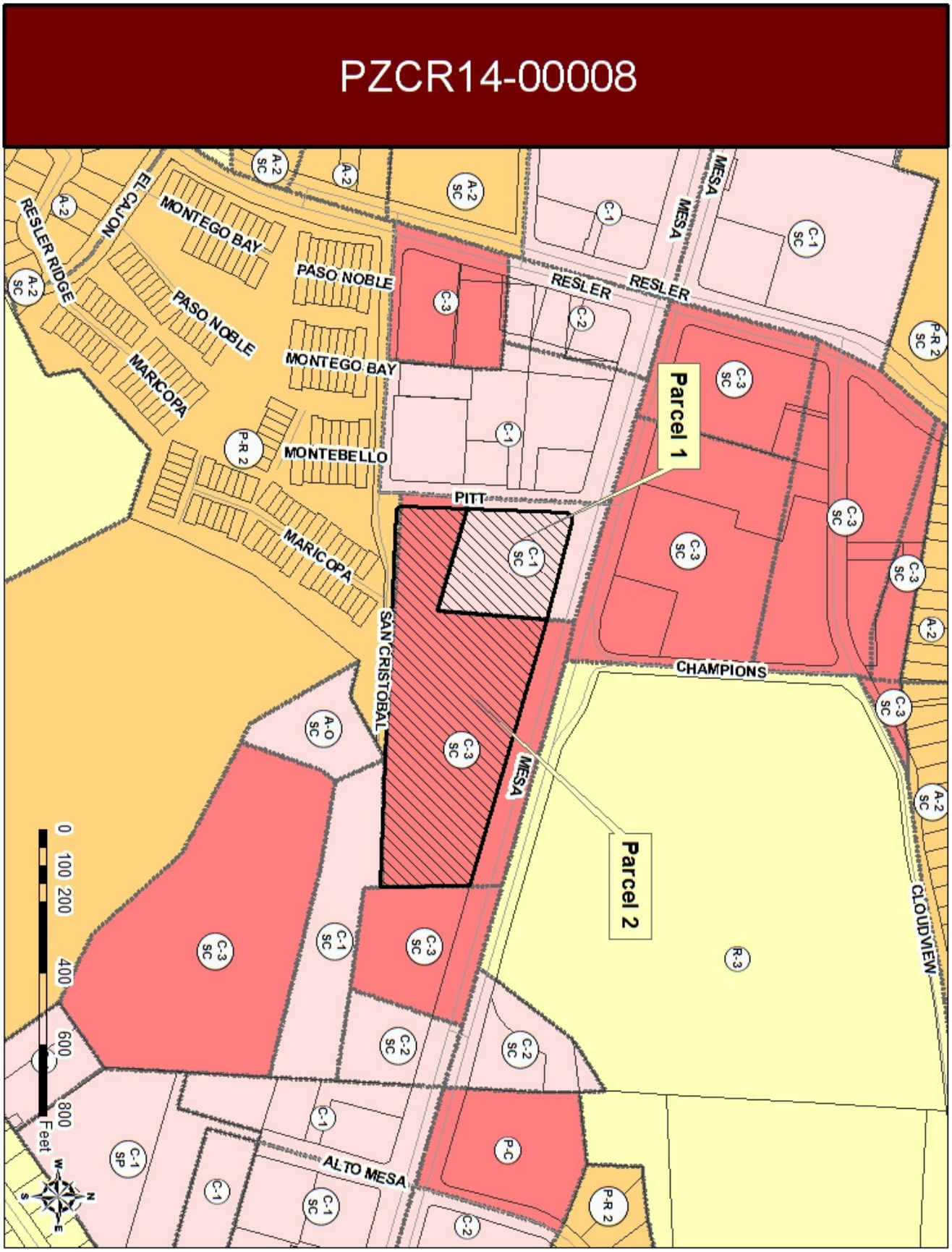
Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main extending along Mesa Street ending approximately 600 feet east of the intersection of Mesa St. and Pitt St. that is available for service. The sewer main is located approximately 6-ft north from the center line of the right-of-way.

General:
EPWU-PSB requires a new service application for water and sewer services. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading, drainage, and landscaping plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

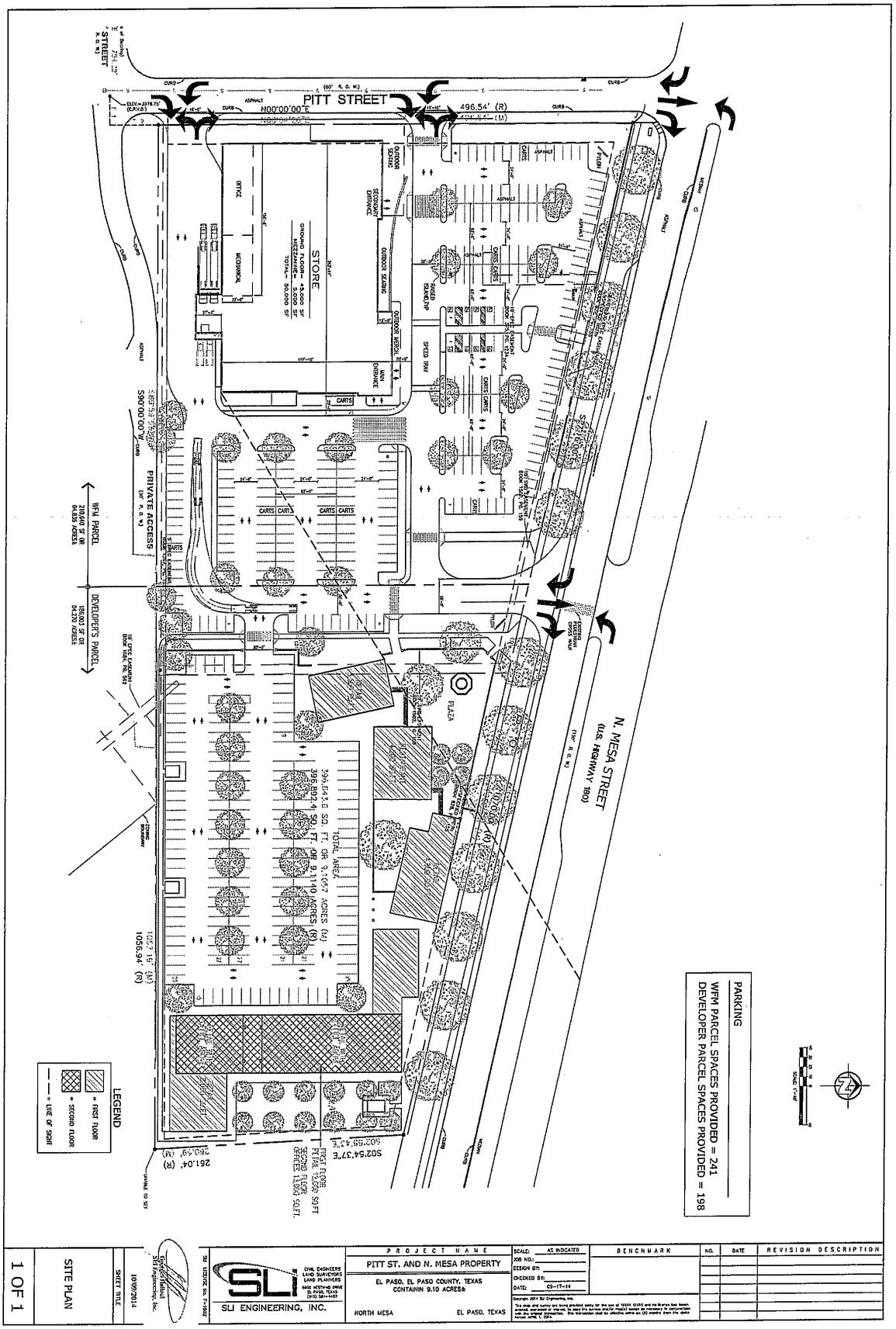
Attachments
1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 5714 dated March 25, 1976
5. Ordinance No. 6206 dated April 11, 1978
6. Opposition Letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ORDINANCE NO. 5714, DATED MARCH 25, 1976

AN ORDINANCE CHANGING THE ZONING OF TRACTS 1A AND 1C, A. F. MILLER SURVEY #211 AND TRACTS 15J AND 15J1, A. F. MILLER SURVEY #213, 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 Tracts 1A and 1C, A. F. Miller Survey #211 and Tracts 15J and 15J1, A. F. Miller Survey #213, as more particularly described below by metes and bounds, be changed to C-1 (commercial) within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

A 2.082 acre portion out of A. F. Miller Survey No. 211 and A. F. Miller Survey No. 213 in the City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a point, said point being the intersection of the easterly right of way line of Pitt Street with the northerly boundary line of said Survey 213 and with the southerly boundary line of Survey No. 211;

Thence, north along the easterly right of way line of Pitt Street, a distance of 157.22 feet to a point in the southerly right of way line of U. S. Highway 80 (Mesa Street);

Thence, South 77° 16' East along the southerly right of way line of U. S. Highway 80 (Mesa Street) a distance of 300.00 feet;

Thence, south a distance of 91.10 feet to the southerly boundary line of said Survey No. 211;

Thence south a distance of 218.90 feet;

Thence North 77° 16' West a distance of 300.00 feet to a point in the easterly right of way line of Pitt Street;

Thence north along the easterly right of way line of Pitt Street a distance of 152.78 feet to the point of beginning and containing in all 2.082 acres of land, more or less.

PASSED AND APPROVED this 25 day of March 1976.

Mayor

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED:
4-9-76 COUNTER
4-9-76 ORIGINAL
4-9-76 CONTROL
4-9-76

ATTEST:

City Clerk

City Clerk

I certify that the zoning map has been revised to reflect the amendment of ordinance #5714

Date 4-12-76

76-3968

CONTRACT

This contract, this made 25th day of MARCH, 1976, by and between JOHN R. PASSERO and wife, NELDA C. PASSERO, First Parties, GREAT AMERICAN RESERVE INSURANCE COMPANY, a corporation, Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of Tracts 1A and 1C in A. F. Miller Survey #211 and Tracts 15J and 15J1, A. F. Miller Survey #213 in the City of El Paso, El Paso County, Texas, such property being more particularly desribed in Ordinance No. 5114 now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

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

1. No building permits shall be issued for construction on the property until complete and detailed site development and architectural plans of the proposed development have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso. All improvements on the property must be built in accordance with such approved plans.

2. No certificates of occupancy and compliance shall be issued by the City for any buildings constructed on the property until First Parties have, at no cost to the City, installed concrete sidewalks along the boundaries of the property adjacent to Pitt Street and Mesa Avenue. Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily completed before certificates of occupancy and compliance will be issued.

3. No median openings shall be permitted in the Mesa Avenue traffic median adjacent to the property, and no curb cuts, driveways or other means of vehicular access shall be permitted between the property and Mesa Avenue.

4. No storm water runoff from the property shall be discharged into Mesa Avenue.

5. If application is ever made to the City to add the property to the districts designated as nonresidential

76-3968

so as to permit the sale of alcoholic beverages as provided in Section 4-1 of the El Paso City Code, there will be no alcoholic beverages sold or served on the property except as an incident to the furnishing of meals, and no bar or saloon will be operated on the premises.

6. No billiard hall, or skill or pleasure coin-operated machine establishment shall be permitted on the property.

(a) "Billiard hall" as used herein shall mean a place at which a billiard table or tables are provided to be played on for compensation.

(b) "Billiard table" as used herein means any table (whether coin-operated or not) surrounded by a ledge or cushion with or without pockets, upon which balls are impelled by a stick or cue.

(c) The term "skill or pleasure coin-operated machine establishment" as used herein means any place where five or more skill or pleasure coin-operated machines are maintained or made available for use or operation.

(d) The term "skill or pleasure coin-operated machine" means every machine or device of any kind or character whatsoever which is operated by or with coins, currency, metal slugs, tokens or checks, when such machine dispenses, uses or is capable of being used or operated for any purpose other than dispensing or vending of merchandise, music, or service exclusively. "Skill or pleasure coin-operated machine" shall include, but not be limited to the following: marble machines, marble table machines, marble shooting machines, miniature racetrack machines, miniature football machines, miniature golf machines, miniature bowling machines, pinball machines, and all other coin-operated machines which dispense or afford skill or pleasure, every machine or device of any kind or character which dispenses or vends merchandise, commodities, or confections, or plays music in connection with or in addition to such games or dispensing of pleasure or skill shall be considered a "skill or pleasure coin-operated machine."

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First 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.

76-3968

Second Party is the owner and holder of recorded liens on the property and consents to this contract.

WITNESS the following signatures and seals:

John R. Passero

John R. Passero

Nelda C. Passero

Nelda C. Passero

GREAT AMERICAN RESERVE INSURANCE COMPANY, a corporation

By _____
President

ATTEST:

_____
Secretary

THE CITY OF EL PASO

By _____
Mayor Pro-Tem

ATTEST:

_____
City Clerk

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JOHN R. PASSERO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 24 day of March, 1976.

_____
Notary Public, El Paso County, Texas.

76-3968

-3-

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared NELDA C. PASSERO, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 25 day of March, 1976.

Notary Public, El Paso County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

Before me, the undersigned authority, on this day personally appeared of GREAT AMERICAN RESERVE INSURANCE COMPANY, a corporation, 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 _____ day of _____, 1976.

Notary Public, Dallas County, Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared E. H. Burgess Mayor Pro-Tem 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 day of March, 1976.

Notary Public in and for El Paso County, Texas.

My Commission Expires June 1, 1977

76-3968

RESOLUTION

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

That the Mayor be authorized to sign a contract with JOHN R. PASSERO, et al., placing certain restrictions on property rezoned by Ordinance No. 5914.

ADOPTED this 25 day of March, 1976.

Mayor

ATTEST:

City Clerk

City Clerk

MAR 26 1976

DEPT. OF PLANNING

76-3968

6206

AN ORDINANCE CHANGING THE ZONING OF
ALL OF TRACT 1B, A. F. MILLER SURVEY NO. 211,
AND ALL OF TRACT 15H AND A PORTION OF TRACT 15A,
A. F. MILLER SURVEY NO. 213, 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 all of Tract 1B, A. F. Miller Survey No. 211, and all of Tract 15H and a portion of Tract 15A, A. F. Miller Survey No. 213 in the City of El Paso, as more particularly described by metes and bounds below, be changed as indicated within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

PARCEL 1 - Changed to C-3 (Commercial)

COMMENCING at a point, said point being an existing city monument lying on the centerline of Pitt Street, south of the intersection of Mesa Road with Pitt Street THENCE, East a distance of 30.00 feet to a point lying on the easterly right-of-way line of Pitt Street; THENCE North along said right-of-way line a distance of 51.60 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, continuing North along said right-of-way line a distance of 186.54 feet to a point for a corner;

THENCE, South 77° 16' 00" East, a distance of 300.00 feet to a point for a corner;

THENCE, North a distance of 310.01 feet to a point for a corner lying on the southerly right-of-way line of Mesa Road;

THENCE, South 77° 16' 00" East along said right-of-way line a distance of 770.01 feet to a point for a corner;

THENCE, South 52° 43' 25" West a distance of 430.44 feet to a point for a corner;

THENCE, West a distance of 701.18 feet to the TRUE POINT OF BEGINNING of this description;

Said parcel of land contains 5.96429 acres (259,804.635 sq. ft.) of land more or less.

PARCEL 2 - Changed to C-3 (Commercial)

COMMENCING at a point, said point being a city monument lying on the centerline of Pitt Street, north of Coronado Townhouses Unit 1; THENCE, due East, a distance of 30.00 feet to a point, said point lying on the easterly right-of-way line of Pitt Street; THENCE, due North, along said right-of-way line a distance of 51.60 feet to a point, said point lying on the northerly boundary line of Coronado Townhouses Unit 1; THENCE, due East, along said boundary line, a distance of 701.18 feet to a point lying on the easterly boundary line of Tract 15H, A.F. Miller Survey No. 213, said point being the TRUE POINT OF BEGINNING of this description;

6206

78-4148

THENCE, North 52° 43' 25" East, along said boundary line, a distance of 430.44 feet to a point for a corner, said point lying on the southerly right-of-way line of Mesa Road (U. S. Highway 80);

THENCE, South 02° 54' 37" East, a distance of 261.04 feet to a point for a corner;

THENCE, due West, a distance of 355.76 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 1.0646 acres (46,373.98 sq. ft.) of land, more or less.

PASSED AND APPROVED this 11th day of April, 1978.

Mayor Pro-Tem

ATTEST:

City Clerk

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

I CERTIFY THAT THE FOLLOWING ZONING MAPS HAVE BEEN REVISED TO
4-25-78 COMPUTER
4-25-78 OPERATOR
4-25-78 Bldg. Inspection
4-25-78 CONTROL

I certify that the zoning map has been revised to reflect the amendment of ordinance #6206
By _____ Date 4-25-78

6206

78-4148

R E S O L U T I O N

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

That the Mayor be authorized to sign a contract with SALVADOR M. VELA, JR., JOHN H. BAILEY, et. al. placing certain restrictions on property rezoned by Ordinance No. 6206.

ADOPTED this 11th day of April, 1978.

Mayor Pro-Tem

ATTEST:

City Clerk

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

78-4148

CONTRACT

This contract, made this 6th day of April, 1978, by and between SALVADOR M. VELA, JR., JOHN H. BAILEY, and JOHN R. PASSERO (not joined by their wives because the hereinafter described property has never been part of their homestead), First Parties, FIRST SAVINGS AND LOAN ASSOCIATION, a corporation, Second Party, and THE CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of all of Tract 1B, A. F. Miller Survey No. 211 and all of Tract 15H, and a portion of Tract 15A, A. F. Miller Survey No. 213, all in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 6206, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

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

1. No Building Permits shall be issued for construction on the property until the following conditions have been met:
   (a) Complete and detailed site development and architectural plans of the proposed development on the property must be submitted by First Parties and approved by the City Plan Commission of the City of El Paso.
   (b) Drainage and Grading Plans for the proposed development on the property must be submitted by First Parties and approved by the City Engineer of the City of El Paso and the Texas Department of Highways and Public Transportation. Such plans shall include plans and specifications for a facility to be constructed by First Parties on the property for the on-site ponding of storm waters. Such facility shall be designed so that no storm waters will be permitted to flow from the property into Mesa Street.
   (c) First Parties shall, at no cost to the City, dedicate as a public street a sufficient amount of the property along Mesa Street to

78-4148

provide a traffic deceleration lane on Mesa Street. Such right-of-way shall be dedicated in accordance with a description to be approved by the Director of Traffic and Transportation of the City of El Paso and an appropriate deed of dedication shall be executed by First Parties and delivered to the City.

2. No Certificates of Occupancy and Compliance shall be issued for any buildings constructed on the property until First Parties have, at no cost to the City, done the following:

   (a) Developed the property in accordance with the approved site plans and architectural plans.

   (b) Done all grading and made all drainage improvements required by the approved grading and drainage plans, including installation of the facility for the on-site ponding of storm waters.

   (c) Installed concrete sidewalks along the boundaries of the property adjacent to Pitt Street and Mesa Street, such sidewalks to be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso.

   (d) Constructed a six-foot high masonry screening wall along the easterly and southerly boundaries of the property in accordance with plans and specifications to be approved by the Building Official and Director of Planning of the City of El Paso.

No Certificates of Occupancy and Compliance shall be issued until the Director of Planning, City Engineer, and Texas Department of Highways and Public Transportation have certified that First Parties have complied with the above provisions and that all required improvements have been satisfactorily completed.

3. No billiard hall, or skill or pleasure coin-operated machine establishments shall be permitted on the property.

   (a) "Billiard Hall" as used in this paragraph shall mean a place at which a billiard table or tables are provided to be played on for compensation.

   (b) "Billiard Table" as used in this paragraph means any table (whether coin-operated or not) surrounded by a ledge or cushion with or without pockets, upon which balls are impelled by a stick or cue.

78-4148

(c) The term "skill or pleasure coin-operated machine establishment" as used in this paragraph means any place where five or more skill or pleasure coin-operated machines are maintained or made available for use or operation.

(d) The term "Skill or pleasure coin-operated machine" means every machine or device of any kind or character whatsoever which is operated by or with coins, currency, metal slugs, tokens or checks, when such machine dispenses, uses, or is capable of being used or operated for any purpose other than dispensing or vending of merchandise, music or service exclusively. "Skill or pleasure coin-operated machine" shall include, but not be limited to the following: Marble machines, marble table machines, marble shooting machines, miniature race trace machines, miniature football machines, miniature golf machines, miniature bowling machines, pinball machines, and all other coin-operated machines, which dispense or afford skill or pleasure. Every machine or device of any kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of pleasure or skill shall be considered a "skill or pleasure coin-operated machine."

4. No alcoholic beverages shall be sold or served on the property except as an incident to the furnishings of meals, and no bar or saloon will be operated on the premises.

5. First Parties shall develop all of the property and shall not sell any part thereof which has not first been developed. The term "develop" shall mean that on any part of the property to be sold First Parties shall first construct a building or buildings so that such part of the property may be used for a purpose permitted in a C-3 District under the Zoning Ordinance of the City of El Paso and under the provisions of this contract.

6. It is agreed that if the provisions of paragraph 5 above are violated by First Parties, the City shall have the right to rezone the property described as Parcel 1 in Exhibit "A" from C-3 (Commercial) to R-3 (Residential), and to rezone the property described as Parcel 2 in Exhibit "A" from C-3 (Commercial) to PUD-2 (Planned Unit Development) within the meaning of the Zoning Ordinance of the City of El Paso.

78-4148

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall accompany 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 Party is the owner and holder of recorded liens on the property and consents to this contract.

WITNESS the following signatures and seals:

Salvador M. Vela, Jr.

John H. Bailey

John R. Passero

FIRST SAVINGS AND LOAN ASSOCIATION,
A Corporation

BY: _____
President

ATTEST:

Secretary

THE CITY OF EL PASO

BY: _____
Mayor Pro-Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

78-448

THE STATE OF TEXAS)
)

ATTACHMENT 6: OPPOSITION LETTER

Salloum, Andrew M.

From: Salloum, Andrew M.
Sent: Monday, November 10, 2014 7:42 AM
To: 'Tori Martinez'
Cc: Rubio, Arturo
Subject: RE: Concern with Case numbers PZRV14-00048 and PRZCR14-00008

Ms. Martinez,

I will forward a copy of your concern letter to the City Plan Commission, Commissioners for public hearing record.

Cordially,
Andrew Salloum

Planner | Planning Division
City Development Department | City of El Paso
City 3 Building | 801 Texas Avenue
El Paso, TX 79901
915.212.1613

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Click on the links for more information about City Development:

From: Tori Martinez [mailto:toriroxstar@yahoo.com]
Sent: Friday, November 07, 2014 3:13 PM
To: Salloum, Andrew M.
Subject: Concern with Case numbers PZRV14-00048 and PRZCR14-00008

Name: Victoria Martinez
Address: 22 Maricopa Drive El Paso, Tx 79912
Case Numbers: PZRV14-00048 and PRZCR14-00008

Personally I am concerned with the amount of traffic and noise that will come with the new zoning and release of all special contracts. I have lived in my condo at Coronado Town Homes and love the peace and quite. However it is not only the peace and quite but the security and almost buffer that the land subject to change creates from the major road Mesa. Especially as a Coronado Student and now a UTEP student I loved being able to walk straight across into the undeveloped land and feel safe and happy surrounded by nature untouched by severe construction. Also I feel as though with the development of land there that the canyon right next to it will suffer immense environmental challenges. Not to mention all of the animals that will suffer due to destruction of their habitat because of that development of land, on a daily basis I have seen so many animals that live and thrive in that area; deer,skunks,rabbits,ect, and as it is we already have such few animals in our desert region. Ultimately I personally do not agree with a change to develop the land because it will change a community that for so long has been peaceful, safe, and aesthetically cherished because of that land.
Thank you for reading my concerns as a person whom lives near the land under question.
Sincerely,
Victoria Martinez

1