

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: July 24, 2018
Public Hearing: August 21, 2018

CONTACT PERSON/PHONE: Hoffman Alex P, (915) 212-1566, hoffmanap@elpasotexas.gov
Armida Martinez, (915) 212-1605, martinezar@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance releasing certain conditions placed on property by Ordinance No. 8559. Which changed the zoning of apportion of Tract 12A, A. F. Miller Survey 210 and a portion of Tract 14A, J. M. Jett Survey 155, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 201 E. Sunset Property Owner: Westside Community Church **PZCR18-00002 (District 8)**

BACKGROUND / DISCUSSION:

On June 28, 2018, the CPC reviewed and recommended approval.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval recommendation (5-0)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Alex P. Hoffman
Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE RELEASING CERTAIN CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 8559. WHICH CHANGED THE ZONING OF A PORTION OF TRACT 12A, A. F. MILLER SURVEY 210 AND A PORTION OF TRACT 14A, J. M. JETT SURVEY 155, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *A PORTION OF TRACT 12A, A. F. MILLER SURVEY 210 AND A PORTION OF TRACT 14A, J. M. JETT SURVEY 155, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 8559 approved by City Council on JANUARY 14, 1986; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal of the certain conditions because these conditions have been satisfied or are current requirement of the City Code; and,

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

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

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

Section 1. That the following zoning conditions imposed by Ordinance No. 8559 approved by City Council on *JANUARY 14, 1986*, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Conditions as follows:

- 1. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, A SUBDIVISION PLAT MUST BE FILED OF RECORD.*
- 2. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, A DETAILED SITE DEVELOPMENT PLAN MUST BE APPROVED BY THE COMMISSION AND THE CITY COUNCIL. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, A DETAILED SITE DEVELOPMENT PLAN MUST BE APPROVED BY THE COMMISSISON AND CTY COUNCIL.*

ORDINANCE NO. _____

3. *SUBJECT TO THE APPROVAL OF THE STATE HIGHWAY DEPARTMENT AND UPON DEMAND BY THE CITY THE COST OF THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF MESA STREET AND ROBBY ROAD AND IN CONNECTION THEREWITH GRANT TO THE CITY AN EASEMENT FOR THE NECESSARY INSTALLATION AND MAINTENANCE OF THE TRAFFIC CONTROL DEVICE AND RELATED SIGNAGE.*
4. *PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY, FIRST PARTY AGREES TO CONSTRUCT A DECELERATION LANE ADJACENT TO MESA STREET ALONG THE ENTIRE LENGTH OF PARCEL 3, PLANS AND SPECIFICATIONS FOR SUCH CONSTRUCTION SHALL BE APPROVED BY THE DIRECTOR OF TRAFFIC AND TRANSPORTATION AND THE CITY ENGINEER.*
7. *PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY, FIRST PARTY SHALL EXTEND ROBBY ROAD FROM DONIPHAN DRIVE TO MESA STREET THROUGH THE SUBJECT PROPERTY. PLANS AND SPECIFICATIONS FOR SUCH CONSTRUCTION SHALL BE APPROVED BY TRAFFIC AND TRANSPORTATION AND THE CITY ENGINEER PRIOR TO CONSTRUCTION.*

Section 2. All other conditions imposed by Ordinance Number 8559 shall remain in full force and effect.

ADOPTED this _____ day of _____, 2018.


THE CITY OF EL PASO

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Alex P. Hoffman
Planning & Inspections Department

(Attachment on the following page)

EXHIBIT "A"

Prepared For: City of El Paso
May 25, 2018

Description of a parcel of land being Tract 12H1, A.F. Miller Survey No. 210, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found railroad spike for the centerline intersection of Sunset Road and Osbourne Drive, from which a found bridge nail at the point of intersection centerline Sunset Road bears, South 70°12'00" West a distance of 571.00 Feet; Thence along the centerline of Sunset Road, South 70°12'00" West a distance of 253.71 feet; Thence leaving said centerline North 19°47'45" West a distance of 25.00 feet to a found chiseled x on concrete on the intersection of the northerly right of way line of Sunset Road with the westerly line of that parcel of land described in Volume 1102, Page 1615, Real property Records of El Paso County, Texas for the "TRUE POINT OF BEGINNING".


Thence along the northerly right of way line of Sunset Road, South 70°12'00" West a distance of 91.45 feet to a set ½" rebar on the common line of Tracts 11 and 12H1, A.F. Miller Survey No. 210;

Thence leaving said right of way line and along the common line of Tracts 11 and 12H1, A.F. Miller Survey No. 210, North 19°47'45" West a distance of 425.35 feet to a point on the northerly line of Tract 12H1, A.F. Miller Survey No. 210;

Thence along said line, North 70°26'06" East a distance of 91.45 feet to point on the easterly line of Tract 12H1, A.F. Miller Survey No. 210, from which a found ½" rebar with cap marked SLI TX 2998 bears, North 69°05'30" East a distance of 0.16 feet

Thence along said line, South 19°47'45" East a distance of 424.97 feet to the "TRUE POINT OF BEGINNING" and containing 38,881 square feet or 0.8926 acres of land more or less.

Note: A drawing of even date accompanies this description.


Ron R. Conde
R.P.L.S. No 5152



CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

MEMORANDUM

DATE: July 16, 2018

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

FROM: Armida Martinez, Planner

SUBJECT: PZCR18-00002

The City Plan Commission (CPC) on June 28, 2018, voted unanimously (5-0) to recommend **approval** of releasing certain conditions placed on the subject property by Ordinance No. 8559.

The CPC found that releasing certain conditions is in conformance with Plan El Paso. The CPC also determined that the condition release protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and, that the condition release will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division has not received any communication in support or opposition to the rezoning request.

Property Owner: Westside Community Church

Representative: City of El Paso

Attachments: Staff Report

201 E. Sunset

City of El Paso — Plan Commission — 6/28/2018



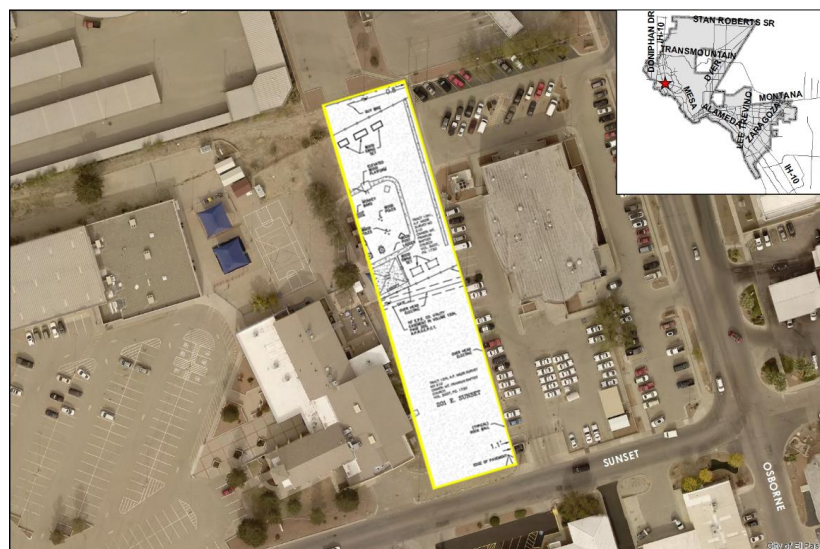
PZCR18-00002

Condition Release

STAFF CONTACT:	Armida Martinez, 915-212-1605, martinezar@elpasotexas.gov
OWNER:	Westside Community Church
REPRESENTATIVE:	City of El Paso
LOCATION:	201 E. Sunset
LEGAL DESCRIPTION:	Tract 12H1, A.F. Miller 210, City of El Paso, El Paso County, Texas
EXISTING ZONING:	C-4/sc (Commercial/special contract)
REQUEST:	A release of Conditions No. 1, No. 2, No. 3, No. 4 and No. 7 imposed by Ordinance No. 8559, dated January 14, 1986.
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	Planning has not received any communication in support or opposition to the condition request.
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicant is requesting to release Conditions No. 1, No. 2, No.3, No. 4 and No. 7 imposed on the subject property by Ordinance No. 8559 dated January 14, 1986. The request is for a parking lot that will be used to provide additional parking for the Westside Regional Command Center.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of the Condition Release request of Conditions No. 1, No. 2, No. 3, No. 4 and No. 7 imposed by Ordinance No. 8559 dated January 14, 1986. Staff finds they are no longer necessary to protect the health, safety, and general welfare of the subject property's established neighborhood and the city as a whole. The proposed development as depicted is consistent with other commercial districts in the immediate area, and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G-7, Industrial and/or Railyards land use designation of Plan El Paso, the City's Comprehensive Plan.



DESCRIPTION OF REQUEST

The applicant has submitted a Condition Release application to release Conditions No. 1, No. 2, No. 3, No. 4 and No. 7 imposed by Ordinance No. 8559 dated January 14, 1986 for the property located at 201 E. Sunset through the Zoning Section of the Planning and Inspections Department. The subject property is currently required to comply with the special contract provisions imposed by Ordinance No. 8559, which states in part:

1. Prior to the issuance of any building permits, a subdivision plat must be filed of record.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the Commission and the City Council.
3. Subject to the approval of the State Highway Department and upon demand by the City, First Party Agrees to pay to the City the cost of the installation of a traffic signal at the intersection of Mesa Street and Robby Road and in connection therewith grant to the City an easement for the necessary installation and maintenance of the traffic control device and related signage.
4. Prior to the issuance of certificates of occupancy, First Party agrees to construct a deceleration lane adjacent to mesa Street along the entire length of Parcel 3, Plans and specifications for such construction shall be approved by the Director of Traffic and Transportation and the City Engineer.
5. No adult bookstore, adult motion picture theatre. Nude live entertainment club will be permitted on Parcel 2 (C-4). *(Condition will remain)*
6. No alcoholic beverages can be sold on Parcel 2 (C-4). *(Condition will remain)*
7. Prior to the issuance of certificates of occupancy, First Party shall extend Robby Road from Doniphan Drive to Mesa Street through the subject property. Plans and specifications for such construction shall be approved by Traffic and Transportation and the City Engineer prior to construction.

Conditions No.1 and No. 2 will be addressed through our current code requirements. Any new building will trigger a requirement for a subdivision plat to be filed. All new proposed development is reviewed for conformance with all applicable standards and further safeguards are not needed due to the commercial character of surrounding properties.

Conditions No. 3, No. 4 and No. 7 have been satisfied through previously developed properties that were also subject to the requirements of Ordinance 8559.

The northern part of the property currently has a play structure. The site plan shows a proposed parking lot that will be used to provide additional parking for the Westside Regional Command Center.

ANALYSIS

CONSIDERATION CRITERIA: To grant the detailed site development plan, the following requirements must be met per 20.04.430.C:

- The relation of the proposed change to the city's comprehensive plan;
- The effect upon the natural environment;
- The effect upon social and economic conditions and property values in the vicinity and in the city as a whole.

Planning Staff has reviewed the site development plan and found that it meets all applicable requirements. The character and scale of the improvements shown are consistent with the established character of the surrounding neighborhood. Releasing the conditions will not adversely affect the surrounding neighborhoods. Conditions concerning infrastructure have been previously satisfied. No construction is proposed that would require platting. The detailed site plan is not necessary to protect the character of the surrounding neighborhood as it has developed with commercial uses.

RELATION OF PROPOSED CHANGE TO THE CITY'S COMP. PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p><u>G-7, Industrial and/or Railyards</u> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes, Parking lots are an expected and typical occurrence within heavy commercial and industrial areas.</p>
ZONING DISTRICT	DOES IT COMPLY?
<p>C-4 (Commercial) district the purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.</p>	<p>Yes, Zoning district allows for surface parking lots by right as a permitted use.</p>
POLICY	DOES IT COMPLY?
<p><u>2.4.5:</u> The careless placement of off-street surface parking lots can blight surrounding properties and public spaces. The blight can be avoided by using the following principles:</p> <ul style="list-style-type: none"> a. Non-residential and mulita-family buildings should have their surface parking lots placed at the side or rear of buildings. 	<p>Yes, Proposed additional parking lot for the police department will be located at the rear of the building.</p>

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The lot is 38,881 sq. ft. (.89 acres), the current C-4 zoning may be developed into a parking lot. Proposed parking lot is a permitted use in C-4 (Commercial) district.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the C-4 (Commercial) District is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations. Releasing the conditions and allowing the proposed use will.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: There are existing water and sewer mains along Sunset Road available for extension. The applicant will need to coordinate with EPWater to provide services to the property.

EFFECT UPON THE NATURAL ENVIRONMENT: Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.

COMMENT FROM THE PUBLIC: The subject property falls within the Upper Valley Neighborhood Association and was contacted as required. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on June 14, 2018. Planning has not received any communication in support or opposition to the condition release request.

STAFF COMMENTS: No objections to proposed condition release. No reviewing departments had any negative comments. Applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

ATTACHMENTS:

1. Site Plan
2. Zoning Map
3. Future Land Use Map
4. Department Comments
5. Public Notification Boundary Map
6. Ordinance No. 8559 dated January 14, 1986

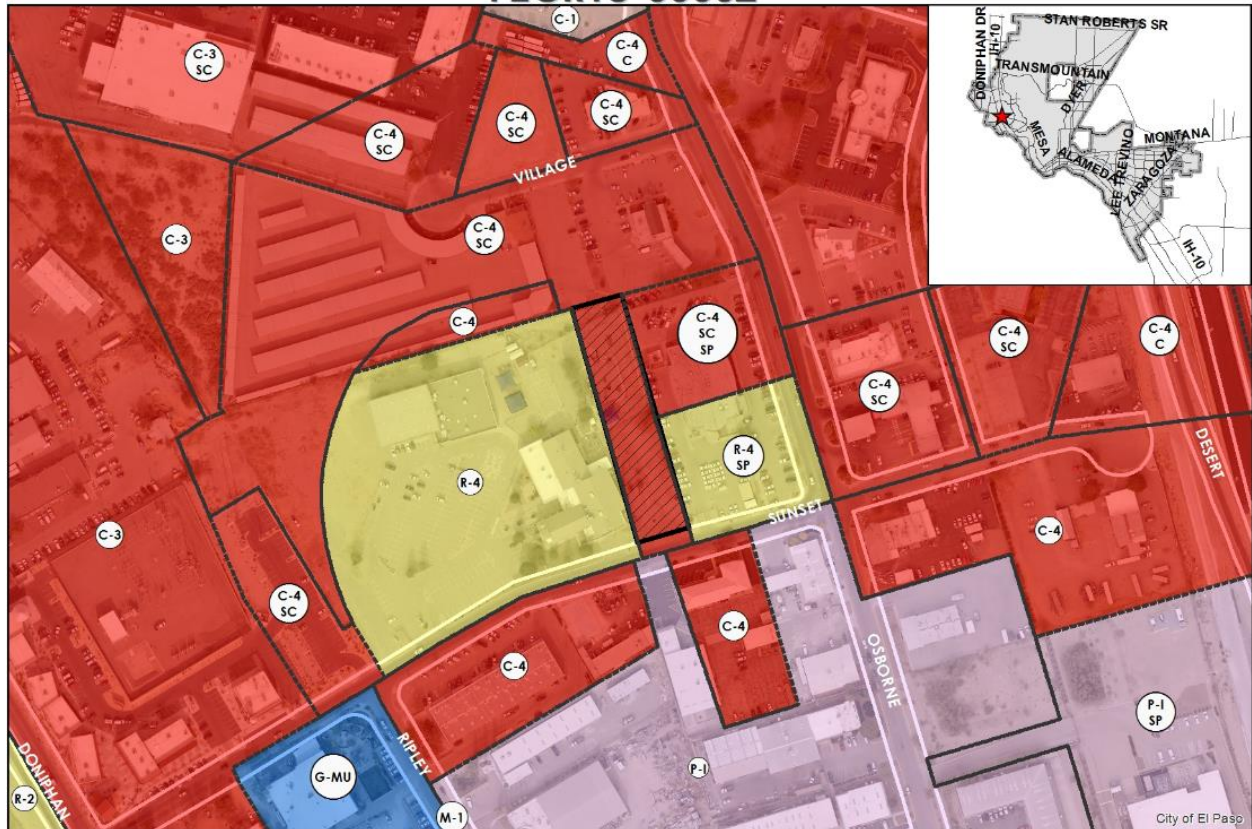
Site Plan



ATTACHMENT 2

Zoning Map

PZCR18-00002



ATTACHMENT 3

Future Land Use Map

PZCR18-00002



ATTACHMENT 4

Department Comments

Planning and Inspections Department- Planning Division

No objections to condition release.

Planning and Inspections Department - City Development & Permitting- Landscape

Proposed project must comply with adopted building and city codes at time of permit submittal.

Planning and Inspections Department - Land Development

No comments received.

Sun Metro:

No objections.

Fire Department

Recommend approval.

Police Department

The WSRCC has no opposition or concerns.

El Paso Water

EPWater does not object to this request:

Water:

There is an existing 12-inch diameter water main extending along Sunset Road. This water main is available for service.

Previous water pressure tests from fire hydrant #604 located on Sunset Road approximately 300-feet west of Osborne Drive, have yielded a static pressure of 60 psi, a residual pressure of 54 psi, and a discharge of 919 gallons per minute.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Sunset Road, this main is located approximately 30-feet south from the southern property line. This sewer main is available for service.

General:

EPWater 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 8 to 10 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 EPWater – 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.

El Paso Water – Stormwater

No comments received.

TXDOT

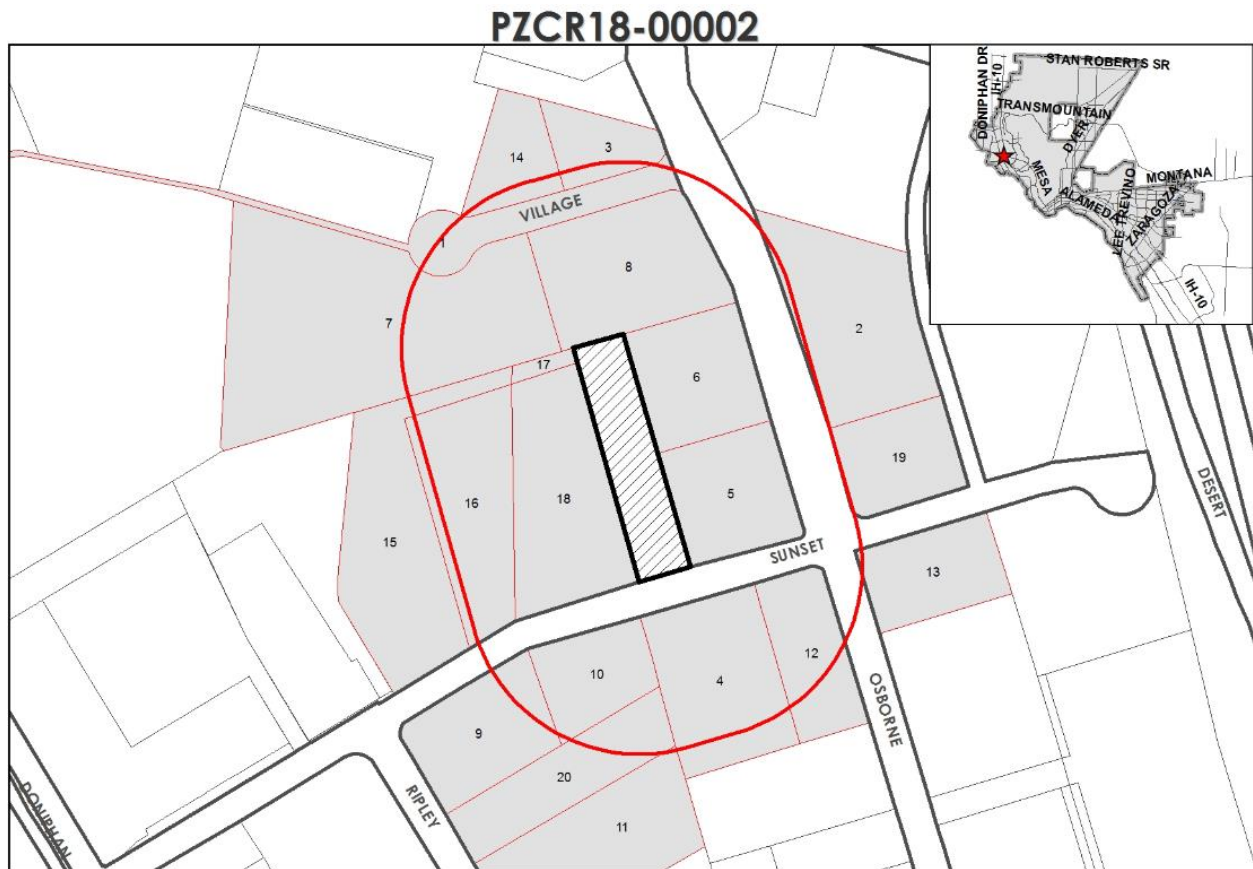
Development is not abutting TxDOT Right of Way.

Environmental Services Department

ESD has no objection to removing the DSP requirement for the proposed use as a parking lot, so long as the lot is paved prior to use as a parking lot in accordance with local and state laws.

ATTACHMENT 5

Notification Map



ATTACHMENT 6

Ordinance N. 8559 dated January 14, 1986

8559

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF TRACT 12A, A.F. MILLER SURVEY 210
AND A PORTION OF TRACT 14A, J.M. JETT SURVEY 155
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 a portion of Tract 12A, A. F. Miller Survey 210 and a portion of Tract 14A, J. M. Jett Survey 155, as more particularly described by metes and bounds in the attached Exhibits "A" and "B", be changed from R-4 (Residential) to C-3 (Commercial) (Parcel 1 - 11.14+/acres); and from R-4 and C-3 to C-4 (Parcel 2 - 12.18 +/-acres) 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 14th day of January, 1986.

Mayor

ATTEST:

Carole White
City Clerk

APPROVED AS TO FORM:

Gregory C. Cullen-Garney
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray Gilyard
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS
WERE REVISSED: 40.

2-25-86 COUNTER
2-25-86 ORIGINAL
2-25-86 CONTROL

Inspection
for

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 8559
for Date 2-25-86

8559

Contract dated 1/14/86.

85-5118
RECEIVED

FEB 25 1986

PLANNING DEPARTMENT

Property Description: A portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point lying on the intersection of the westerly right-of-way line of Interstate Highway No. 10 and the southerly right-of-way line of Mesa Street; Thence, North $77^{\circ} 16' 00''$ West, along the southerly right-of-way line of Mesa Street, a distance of 984.59 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, South $12^{\circ} 44' 00''$ West, a distance of 250.00 feet to a point;

THENCE, South $60^{\circ} 39' 39''$ West, a distance of 470.12 feet to a point lying on the common boundary line between Tracts 13 and 14A, J.M. Jett Survey No. 155;

THENCE, North $83^{\circ} 17' 00''$ West, along said boundary line, a distance of 333.57 feet to a point;

THENCE, North $26^{\circ} 39' 36''$ West, a distance of 504.53 feet to a point lying on the common boundary line between Tracts 14A and 28, J.M. Jett Survey No. 155;

THENCE, North $29^{\circ} 55' 32''$ West, a distance of 285.65 feet to a point lying on the southerly right-of-way line of Mesa Street;

THENCE, South $77^{\circ} 16' 00''$ East, along said right-of-way line, a distance of 1194.46 feet to the TRUE POINT OF BEGINNING of this description.

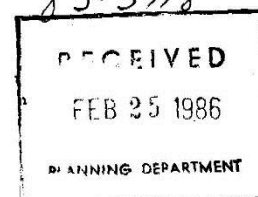
Said parcel of land contains 11.14453 acres (485,455.65 sq. ft.) of land more or less.

SUB-LAND, INC.
Consulting Engineers -- Land Surveyors

Robert R. Seipel
Registered Public Surveyor
Texas License No. 4178

September 27, 1985
Job Number 09-85-5648
4064A
Revised 11-15-85

Exhibit "A"



Property Description: A portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point lying on the intersection of the westerly right-of-way line of Interstate Highway No. 10 and the southerly right-of-way line of Mesa Street; Thence, North 77° 16' 00" West, along the southerly right-of-way line of Mesa Street, a distance of 984.59 feet to the TRUE POINT OF BEGINNING of this description;

THENCE, South 12° 44' 00" West, a distance of 250.00 feet to a point;

THENCE, South 60° 39' 39" West, a distance of 470.12 feet to a point lying on the common boundary line between Tracts 13 and 14A, J.M. Jett Survey No. 155;

THENCE, North 83° 17' 00" West, along said boundary line, a distance of 333.57 feet to a point;

THENCE, North 26° 39' 36" West, a distance of 504.53 feet to a point lying on the common boundary line between Tracts 14A and 28, J.M. Jett Survey No. 155;

THENCE, North 29° 55' 32" West, a distance of 285.65 feet to a point lying on the southerly right-of-way line of Mesa Street;

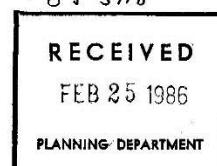
THENCE, South 77° 16' 00" East, along said right-of-way line, a distance of 1194.46 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 11.14453 acres (485,455.65 sq. ft.) of land more or less.

SUB-LAND, INC.
Consulting Engineers -- Land Surveyors

Robert R. Seipel
Registered Public Surveyor
Texas License No. 4178

September 27, 1985
Job Number 09-85-5646
4064A
Revised 11-15-85



Property Description: A portion of Tract 12A, A.F. Miller Survey No. 210 and a portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 12A, A.F. Miller Survey No. 210 and a portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point lying on the intersection of the westerly right-of-way line of Interstate Highway No. 10 and the southerly right-of-way line of Mesa Street; Thence, North 77° 16' 00" West, along the southerly right-of-way line of Mesa Street, a distance of 984.59 feet to a point; Thence, South 12° 44' 00" West, a distance of 250.00 feet to a point, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, South 77° 16' 00" East, a distance of 322.05 feet to a point lying on the westerly right-of-way line of Osborne Drive;

THENCE, along said right-of-way line the following courses:

South 29° 11' 50" East, a distance of 275.38 feet to a point;

South 24° 29' 55" East, a distance of 78.10 feet to a point;

South 19° 48' 00" East, a distance of 193.03 feet to a point lying on the common boundary line between Tracts 12A and 12F, A.F. Miller Survey No. 210;

THENCE, South 70° 12' 00" West, along said boundary line, a distance of 208.71 feet to a point;

THENCE, South 19° 47' 45" East, continuing along said boundary line, a distance of 208.71 feet to a point lying on the northerly right-of-way line of Sunset Drive;

THENCE, South 70° 12' 00" West, along said right-of-way line, a distance of 91.45 feet to a point lying on the common boundary line between Tracts 11 and 12A, A.F. Miller Survey No. 210;

THENCE, North 19° 48' 00" West, a distance of 500.97 feet to a point lying on the common boundary line between Tracts 12A and 12B, A.F. Miller Survey No. 210;

THENCE, South 70° 12' 00" West, a distance of 286.11 feet to a point for a curve lying on the common boundary line between Tracts 14A and 14B, J.M. Jett Survey No. 155;

THENCE, along said boundary line the following courses:

141.79 feet along the arc of a curve to the left, having a radius of 120.00 feet, a central angle of 67° 42' 00" and a chord which bears South 36° 21' 00" West, a distance of 133.68 feet to a point;

South 02° 30' 00" West, a distance of 274.93 feet to a point for a curve;

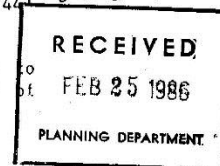
174.09 feet along the arc of a curve to the left, having a radius of 273.53 feet, a central angle of 36° 28' 00" and a chord which bears South 15° 41' 00" East, a distance of 171.17 feet to a point;

South 33° 58' 00" East, a distance of 71.02 feet to a point lying on the northerly right-of-way line of Sunset Drive;

8559

EXHIBIT "B"

C-4



THENCE, South 56° 02' 00" West, along said right-of-way line, a distance of 144.88 feet to a point lying on the common boundary line between Tracts 9A and 14A, J.M. Jett Survey No. 155;

THENCE, North 33° 59' 00" West, along said boundary line, a distance of 215.00 feet to a point;

THENCE, North 28° 13' 00" West, a distance of 301.53 feet to a point lying on the common boundary line between Tracts 12 and 14A, J.M. Jett Survey No. 155;

THENCE, North 56° 02' 00" East, along said boundary line, a distance of 99.60 feet to a point lying on the common boundary line between Tracts 13 and 14A, J.M. Jett Survey No. 155;

THENCE, North 00° 00' 00" East, along said boundary line, a distance of 444.65 feet to a point;

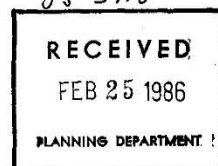
THENCE, North 60° 39' 39" East, a distance of 470.12 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 12.18297 acres (530,690.19 sq. ft.) of land more or less.

SUB-LAND, INC.
Consulting Engineers -- Land Surveyors

Robert R. Seipel
Registered Public Surveyor
Texas License No. 4178

September 26, 1985
Job Number 09-85-5648
4063A
Revised 11-15-85



Property Description: A portion of Tract 12A, A.F. Miller Survey No. 210 and a portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 12A, A.F. Miller Survey No. 210 and a portion of Tract 14A, J.M. Jett Survey No. 155, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point lying on the intersection of the westerly right-of-way line of Interstate Highway No. 10 and the southerly right-of-way line of Mesa Street; Thence, North 77° 16' 00" West, along the southerly right-of-way line of Mesa Street, a distance of 984.59 feet to a point; Thence, South 12° 44' 00" West, a distance of 250.00 feet to a point, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, South 77° 16' 00" East, a distance of 322.05 feet to a point lying on the westerly right-of-way line of Osborne Drive;

THENCE, along said right-of-way line the following courses:

South 29° 11' 50" East, a distance of 275.38 feet to a point;

South 24° 29' 55" East, a distance of 78.10 feet to a point;

South 19° 48' 00" East, a distance of 193.03 feet to a point lying on the common boundary line between Tracts 12A and 12F, A.F. Miller Survey No. 210;

THENCE, South 70° 12' 00" West, along said boundary line, a distance of 208.71 feet to a point;

THENCE, South 19° 47' 45" East, continuing along said boundary line, a distance of 208.71 feet to a point lying on the northerly right-of-way line of Sunset Drive;

THENCE, South 70° 12' 00" West, along said right-of-way line, a distance of 91.45 feet to a point lying on the common boundary line between Tracts 11 and 12A, A.F. Miller Survey No. 210;

THENCE, North 19° 48' 00" West, a distance of 500.97 feet to a point lying on the common boundary line between Tracts 12A and 12B, A.F. Miller Survey No. 210;

THENCE, South 70° 12' 00" West, a distance of 286.11 feet to a point for a curve lying on the common boundary line between Tracts 14A and 14B, J.M. Jett Survey No. 155;

THENCE, along said boundary line the following courses:

141.79 feet along the arc of a curve to the left, having a radius of 120.00 feet, a central angle of 67° 42' 00" and a chord which bears South 36° 21' 00" West, a distance of 133.68 feet to a point;

South 02° 30' 00" West, a distance of 274.93 feet to a point for a curve;

174.09 feet along the arc of a curve to the left, having a radius of 273.53 feet, a central angle of 36° 28' 00" and a chord which bears South 15° 44' 00" East, a distance of 171.17 feet to a point;

South 33° 58' 00" East, a distance of 71.02 feet to a point lying on the northerly right-of-way line of Sunset Drive;

and #
8559

EXHIBIT "R"

C-4



THE STATE OF TEXAS)
COUNTY OF EL PASO)

CONTRACT

THIS CONTRACT, made this 10th day of January, 1986, by and between THE GUEVARA CORPORATION AND ANDREW R. GUEVARA INDIVIDUALLY, First Parties, MBANK, Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Tract 12A, A. F. Miller Survey 210, and a portion of Tract 14A, J. M. Jett Survey 155, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibits "A" and "B" which are made a part hereof by reference.

To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-4 (Residential) to C-3 (Commercial) (Parcel 1 - 11.14+/acres); and from R-4 and C-3 to C-4 (Parcel 2 - 12.18+/acres) 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 any building permits, a subdivision plat must be filed of record.
- 2) Prior to issuance of any building permits, a detailed site development plan must be approved by the Commission and the City Council.
- 3) Subject to the approval of the State Highway Department and upon demand by the City, First Party agrees to pay to the City the cost of the installation of a traffic signal at the intersection of Mesa Street and Robby Road and in connection therewith grant to the City an easement for the necessary installation and maintenance of the traffic control device and related signage.
- 4) Prior to the issuance of certificates of occupancy, First Party agrees to construct a deceleration lane adjacent to Mesa Street along the entire length of Parcel 3. Plans and specifications for such construction shall be approved by the Director of Traffic and Transportation and the City Engineer.
- 5) No adult bookstore, adult motion picture theatre, nude live entertainment club will be permitted on Parcel 2 (C-4).
- 6) No alcoholic beverages can be sold on Parcel 2 (C-4).
- 7) Prior to the issuance of certificates of occupancy, First Party shall extend Robby Road from Doniphan Drive to Mesa Street through the subject property. Plans and specifications for such construction shall be approved by Traffic and Transportation and the City Engineer prior to construction.

Ord # 8559
(1/14/86)

Case # 5-5118

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

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

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

First Parties
THE GUEVARA CORPORATION

By Andrew N. Guevara

Title President

Andrew N. Guevara
ANDREW N. GUEVARA, INDIVIDUALLY

Second Party
MBANK

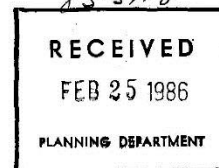
By Robert E. Rook Jr.

Title Senior Vice-President

ATTEST:

James C. Mann
Secretary

Ord. #8559
(1/14/86)



Third Party
THE CITY OF EL PASO

By
Mayor

ATTEST:

City Clerk

APPROVED AS TO CONTENT:

Ray Steward
Planning Department

APPROVED AS TO FORM:

John Stuber
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

APPROVED AS TO CONTENT:

Wynne Smith
Traffic & Transportation

This instrument was acknowledged before me on this 14 day
of February, 1985, by Robert E. Rook Jr.
representative of MBANK.

My Commission Expires:
SANDY G. HAM, Notary Public
in and for The State of Texas
My Commission Expires Oct. 30, 1989

Sandy G. Ham
Notary Public, State of Texas

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 14th day
of February, 1985, by ANDREW N. GUEVARA, INDIVIDUALLY.

Rosalva Marguez
Notary Public, State of Texas

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 24th day
of February, 1985, by Andrew N. Guevara
representative of THE GUEVARA CORPORATION.

Rosalva Marguez
Notary Public, State of Texas

My Commission Expires:

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 24th day
of February, 1986, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

My Commission Expires:

6/30/88

Billie Jean Brannan
Notary Public, State of Texas





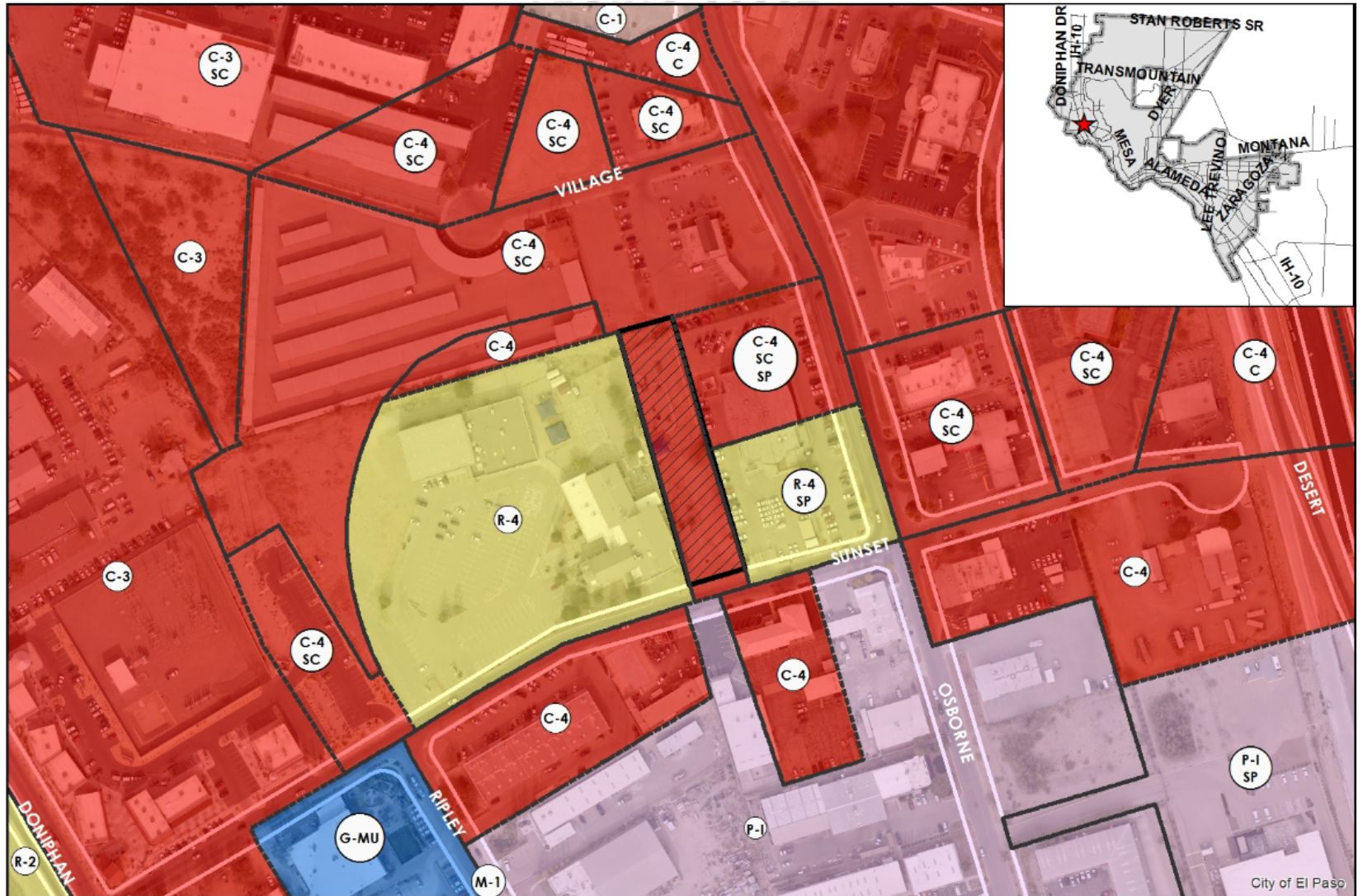
Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (5-0)
- **Public Input:** The Planning division did not receive any communication in support or opposition to the rezoning request.

Strategic Goal #3 Promote the Visual Image of El Paso

- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

"Delivering Outstanding Services"



City of El Paso



"Delivering Outstanding Services"



The subject property is currently required to comply with the special contract provisions imposed by Ordinance No. 8559, which states in part:

1. Prior to the issuance of any building permits, a subdivision plat must be filed of record.
2. Prior to the issuance of any building permits, a detailed site development plan must be approved by the Commission and the City Council.
3. Subject to the approval of the State Highway Department and upon demand by the City, First Party Agrees to pay to the City the cost of the installation of a traffic signal at the intersection of Mesa Street and Robby Road and in connection therewith grant to the City an easement for the necessary installation and maintenance of the traffic control device and related signage.
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5. No adult bookstore, adult motion picture theatre. Nude live entertainment club will be permitted on Parcel 2 (C-4). (*Condition will remain*)
6. No alcoholic beverages can be sold on Parcel 2 (C-4). (*Condition will remain*)
7. Prior to the issuance of certificates of occupancy, First Party shall extend Robby Road from Doniphan Drive to Mesa Street through the subject property. Plans and specifications for such construction shall be approved by Traffic and Transportation and the City Engineer prior to construction.

"Delivering Outstanding Services"





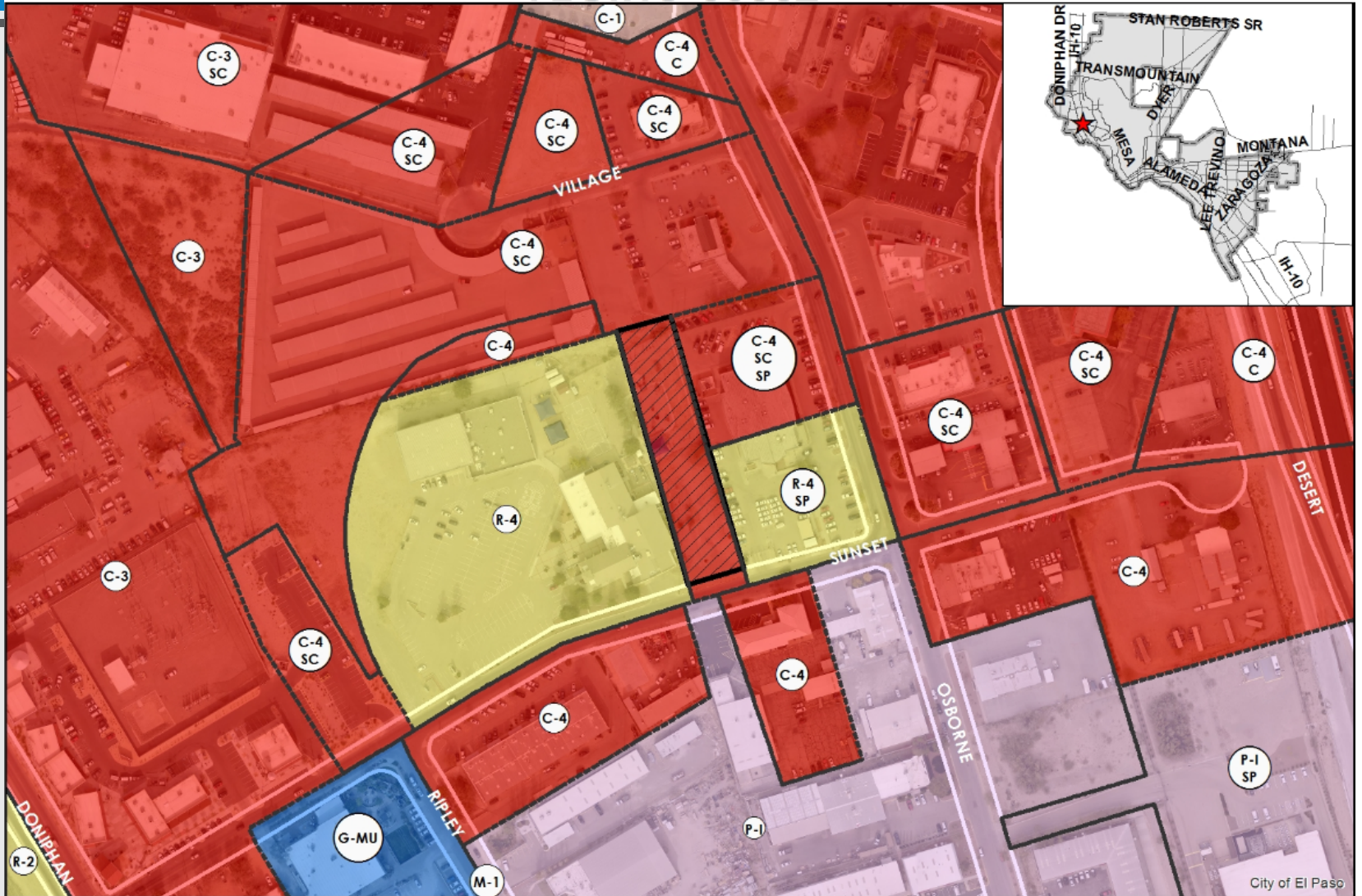
"Delivering Outstanding Services"



“Delivering Outstanding Services”



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"Delivering Outstanding Services"