

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

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: September 24, 2013  
Public Hearing: October 15, 2013

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4633, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance releasing a condition placed on property by Ordinance No. 4795 which changed the zoning of All of Tract 4H1D and 4H1E, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas and imposing condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Mesa Street and East of Confetti Drive. Property Owner: Dareen Kenda Homes, LLC. PZCR13-00006 (District 8)

**BACKGROUND / DISCUSSION:**

See attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Approval Recommendation (5-2).

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 4795 WHICH CHANGED THE ZONING OF ALL OF TRACTS 4H1D AND 4H1E, A.F. MILLER SURVEY NO. 215, CITY OF EL PASO, EL PASO COUNTY, TEXAS AND IMPOSING CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as *All of Tracts 4H1D and 4H1E, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 4795 approved by City Council on February 25, 1972; 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 all of the 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 all 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:

1. That all of the zoning conditions imposed by Ordinance No. 4795 approved by City Council on February 25, 1972, on the portion of land identified in Exhibit "A" be released because the conditions are no longer necessary.

*Conditions as follows:*

*Not more than eighteen apartment units per acre shall be permitted on the property.*

2. Further, that the property described herein be subject to the following conditions which are necessary in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

*That prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.*

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF EL PASO

\_\_\_\_\_  
Oscar Leeser  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

4795

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF TRACT 4F AND ALL OF TRACTS  
4E1 AND 4H1, A. F. MILLER SURVEY 215, 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 the following described portion of Tract 4F and  
all of Tracts 4E1 and 4H1, A. F. Miller Survey 215, El Paso County, Texas,  
be changed to A-O within the meaning of the Zoning Ordinance, and the zon-  
ing map of the City be revised accordingly:

Parcel 1

A portion of Tract 4F, A. F. Miller Survey 215, El Paso County,  
Texas, more particularly described by metes and bounds as follows:

Beginning at a point located North 43° 54' West along the easterly  
line of Fiesta Hills Addition, a distance of 869.00 feet from the most east-  
erly corner of Lot 1, Block 10, Fiesta Hills Addition;

Thence North 46° 06' East a distance of 400.00 feet;

Thence South 82° 46.03' West along the southerly line of Tract 4H1  
a distance of 500.28 feet;

Thence South 43° 54' East along the easterly line of Fiesta Hills,  
Unit Two, a distance of 298.09 feet to the point of beginning and containing  
1.369 acres of land, more or less.

Parcel 2

All of Tracts 4E1 and 4H1, A. F. Miller Survey 215, El Paso County,  
Texas, more particularly described by metes and bounds as follows:

Beginning at a point said point being the intersection of the south-  
easterly right of way line of Confetti Drive with the southwesterly right of  
way line of Mesa Avenue (U. S. Highway 80);

Thence South 43° 54' 00" East along the southwesterly right of way  
line of Mesa Avenue a distance of 704.15 feet to a point in the northerly line  
of Tract 4F;

Thence South 82° 46' 00" West along the northerly line of Tract 4F  
and along the northerly line of Fiesta Hills Unit Two a distance of 654.64  
feet to a point in the easterly right of way line of Confetti Drive;

Thence North 22° 42' 36" West along the easterly right of way line  
of Confetti Drive a distance of 246.60 feet;



RESOLUTION

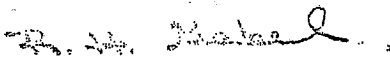
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Mesa Vista,  
Inc., a corporation, et al., placing certain restrictions on property rezoned  
by Ordinance No. 4795.

ADOPTED this 2 day of March, 1972.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

C . ENT

MAR 6 1972

OF PLANNING

CONTRACT

This contract, made this 25<sup>th</sup> day of February, 1972, by and between Mesa Vista, Inc., a corporation, and E. Peinado Development Co., a corporation, First Parties; Charles H. Leavell, H. D. Fulwiler ~~and H. D. Fulwiler~~ (not joined by their wives because the hereinafter described property has never been part of their homestead), and Times Enterprises, Inc., a corporation, Second Parties; and the City of El Paso, Third Party, witnesseth:

First Parties have applied to the City of El Paso for rezoning of a portion of Tract 4F and all of Tracts 4E1 and ~~4E1~~<sup>4E1</sup>, A. F. Miller Survey 215 in the City of El Paso, El Paso County, Texas, which property is more particularly described in Ordinance No. 4795, now pending before the City Council of the City of El Paso, a copy of which is marked Exhibit "A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, not more than eighteen apartment units per acre shall be permitted on the property.

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 further conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby. Second Parties, the holders of recorded liens on Tracts 4E1 and ~~4E1~~<sup>4E1</sup>, consent to the placing of the above restriction on the property.

Witness the following signatures and seals:

MESA VISTA, INC., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Secretary

E. PEINADO DEVELOPMENT CO., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Secretary

[Signature]  
Charles H. Leavell

[Signature]  
H. D. Fulwiler

TIMES ENTERPRISES, INC., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Asst. Secretary

THE CITY OF EL PASO

by                       
Mayor

ATTEST:

                      
City Clerk

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared Harvey W. Berkley, President of MESA VISTA, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 25<sup>th</sup> day of February, 1972.

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

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared [Signature], President of E. PEINADO DEVELOPMENT CO., 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 3<sup>rd</sup> day of March, 1972.

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

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared CHARLES H. LEAVELL, 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.

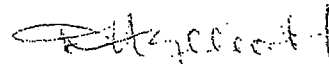
Given under my hand and official seal this 1<sup>st</sup> day of March, 1972.

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

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared H. D. FULWILER, 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 25<sup>th</sup> day of February, 1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

~~THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )~~

~~Before me, the undersigned authority, on this day personally appeared W. E. BOYD, 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.~~

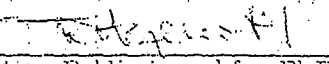
~~Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 1972.~~

~~\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.~~

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared J. C. Baggett, Jr., President of TIMES ENTERPRISES, INC., a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

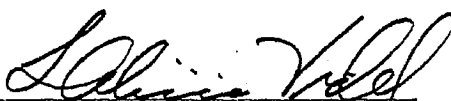
Given under my hand and official seal this 25<sup>th</sup> day of February, 1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

THE STATE OF TEXAS )  
 )  
COUNTY OF EL PASO )

Before me, the undersigned authority, on this day personally appeared BERT WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this 2 day of March  
1972.

  
\_\_\_\_\_  
Notary Public in and for El Paso County,  
Texas.

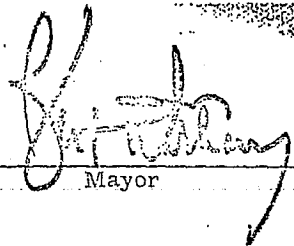
Notary Public in and for the County of El Paso, Texas.  
My Commission Expires Dec. 1, 1973

Thence 156.87 feet continuing along said right of way line and along the arc of a curve to the right whose radius is 130.62 feet, whose interior angle is  $68^{\circ} 48' 36''$  and whose long chord bears North  $11^{\circ} 41' 42''$  East a distance of 147.61 feet;

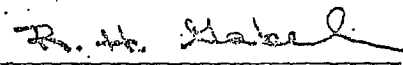
Thence North  $46^{\circ} 06' 00''$  East along the southeasterly right of way line of Confetti Drive a distance of 314.28 feet to the point of beginning and containing in all 5.663 acres of land, more or less.

PASSED AND APPROVED this 2nd day of March.

1972.

  
\_\_\_\_\_  
Mayor

ATTEST:

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



## MEMORANDUM

**DATE:** September 12, 2013

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZCR13-00006

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The City Plan Commission (CPC), on August 22, 2013, voted 5-2 to recommend **approval** of the condition release request and imposing a condition that prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.

The CPC determined that the release of the zoning condition on the subject property protects the best interest, health, safety and welfare of the public in general; and the release of the zoning condition will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were 3 letters of opposition to this request, see attachment 5 on page 12-15 of the staff report.

**Attachment:**  
Staff Report



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

**Case No:** PZCR13-00006  
**Application Type:** Zoning Condition Release  
**CPC Hearing Date:** August 22, 2013  
**Staff Planner:** Andrew Salloum, 915-541-4633, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** South of Mesa Street and East of Confetti Drive  
**Legal Description:** All of Tracts 4H1D and 4H1E, A.F. Miller Survey No. 215, City of El Paso, El Paso County, Texas  
**Acreage:** 1.17  
**Rep District:** 8  
**Zoning:** Parcel 1: A-O/sc (Apartment/Office/special contract)  
Parcel 2: C-2/sc (Commercial/special contract)  
Parcel 3: C-1/sc (Commercial/special contract)  
**Existing Use:** Vacant  
**Request:** Release a condition by Special Contract Ordinance No. 4795, dated February 25, 1972  
**Proposed Use:** Apartment Complex  
**Property Owner:** Dareen Kenda Homes, LLC  
**Representative:** Conde, Inc.

### **SURROUNDING ZONING AND LAND USE**

**North:** R-3 (Residential) / Morehead Middle School  
**South:** C-2/sc (Commercial/special contract) / Self-storage facility and vacant  
**East:** C-1/sc (Commercial/special contract) / Medical Office; A-O (Apartment/Office) / Dental Office  
**West:** R-3 (Residential) / Morehead Middle School

**PLAN EL PASO DESIGNATION:** G-4, Suburban (Walkable)

**NEAREST PARK:** Galatzan Park (6,750 feet)

**NEAREST SCHOOL:** Morehead Middle School (45 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Upper Valley Improvement Association  
Upper Mesa Hills Neighborhood Association  
Coronado Neighborhood Association  
Upper Valley 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 August 7, 2013. The Planning Division received 3 letters in opposition to the condition release request, (see attachment #5 on page 12-15).

### **APPLICATION DESCRIPTION**

The request is to release the condition in Special Contract Ordinance No. 4795 dated February 25, 1972 (see attachment 3) as described below:

*Not more than eighteen apartment units per acre shall be permitted on the property.*

The applicant is requesting the condition release on the subject property in order to allow for 24 apartment units, as permitted by the current zoning districts.

#### **CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the condition release request, as the request would permit development that is compatible and consistent with the surrounding area, and recommends the following condition:

*Prior to the issuance of any building permits, a detailed site development plan shall be reviewed and approved as per City Code.*

The condition is based on the concerns with storm water drainage and erosion, existing slope, existing utility easements on the property, and the proposed driveway locations.

#### **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 A-O (Apartment/Office) district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.

The purpose of the C-1 (Commercial) 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.

The purpose of the C-2 (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.

#### **City Development Department – Planning Division – Building Permits & Inspections**

No objections.

#### **City Development Department – Planning Division - Transportation**

No objections.

Note:

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

#### **City Development Department – Land Development**

No objections.

**EPWU**

EPWU does not object to this request.

**CITY PLAN COMMISSION OPTIONS**

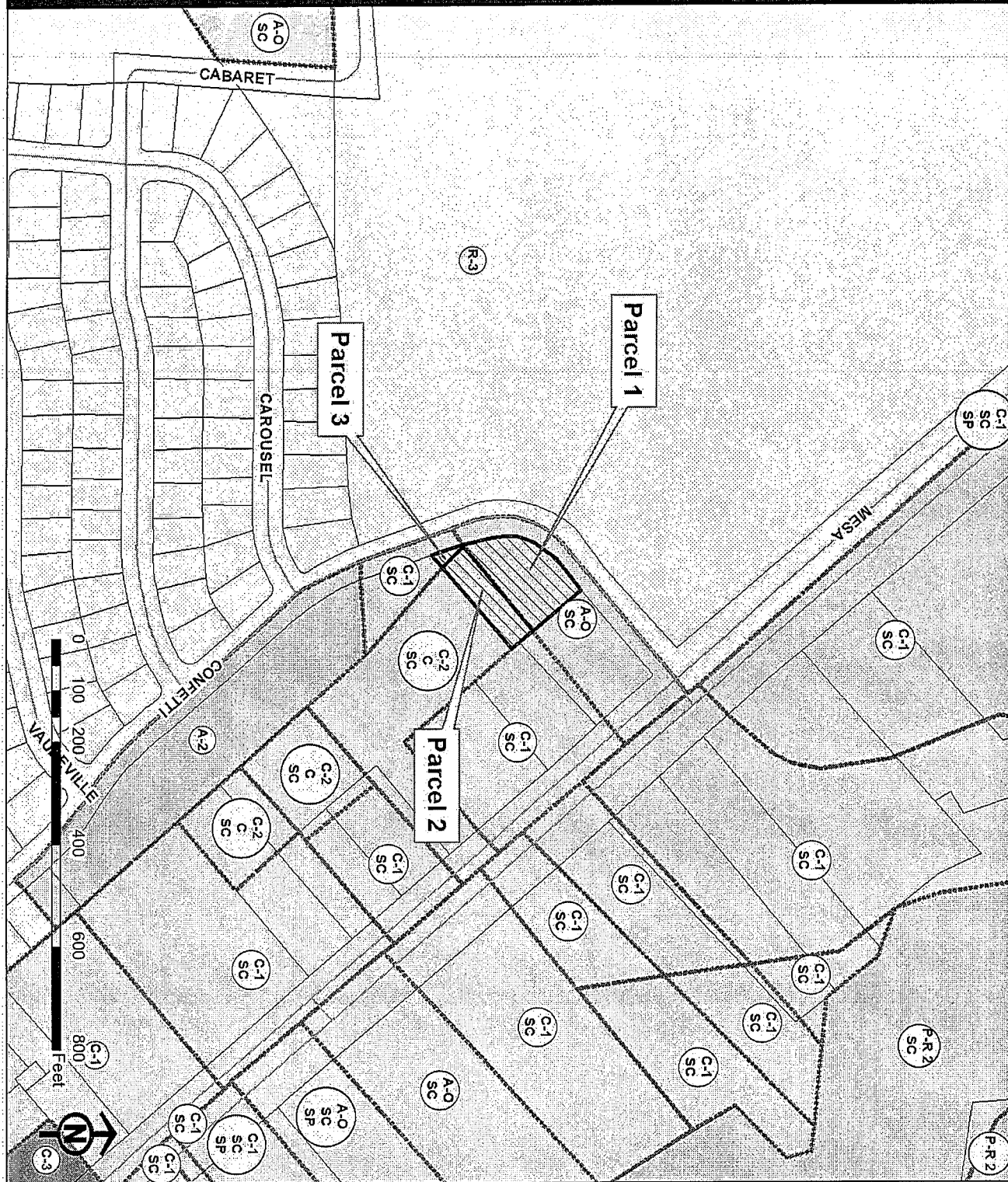
The City Plan Commission may consider the following options and additional options that it identifies when reviewing a condition release request application:

1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

**Attachments**

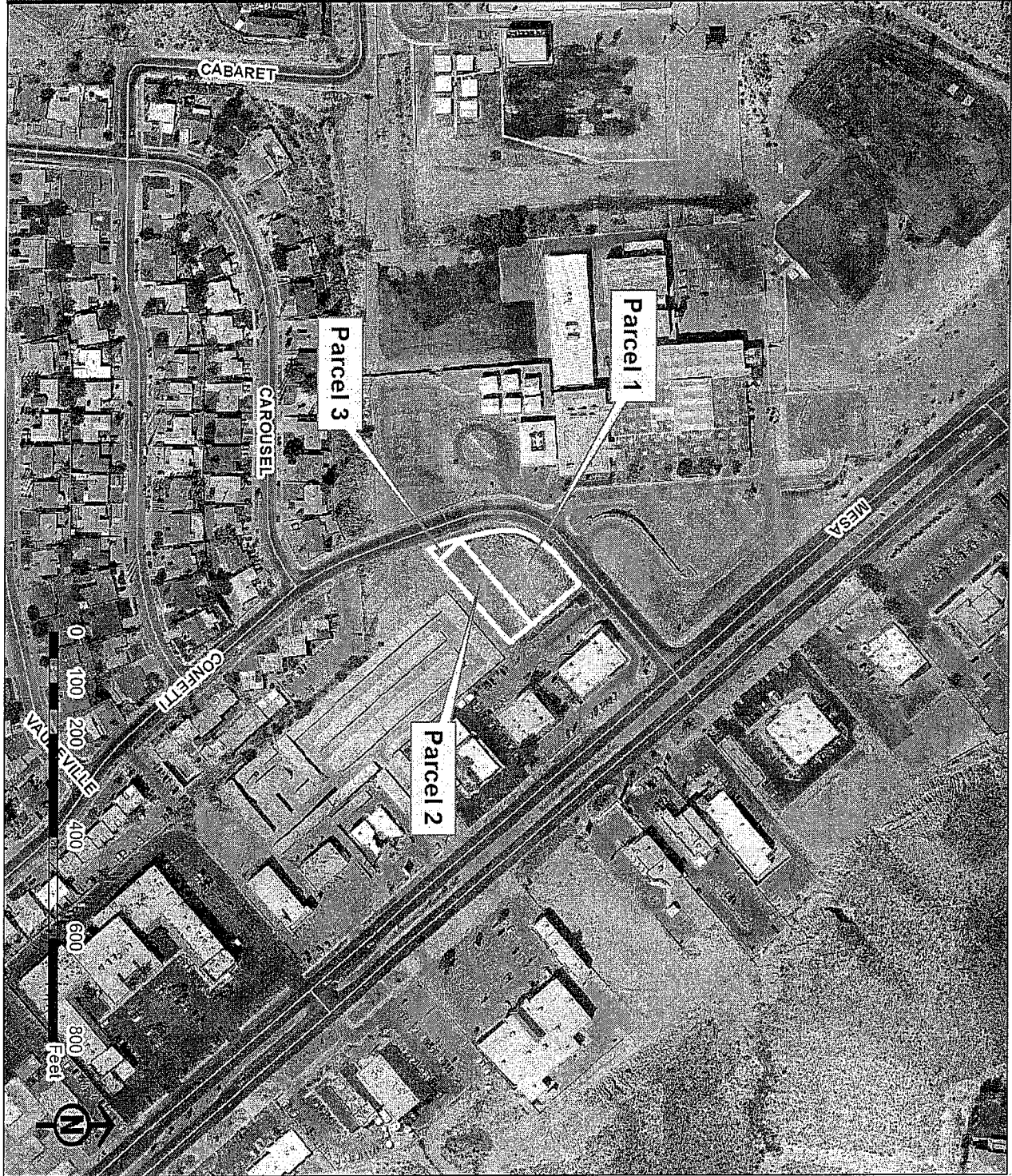
1. Location Map
2. Aerial Map
3. Conceptual Site Plan
4. Special Contract Ordinance No.4795 dated February 25, 1972
5. Opposition Letters

PZCR13-00006



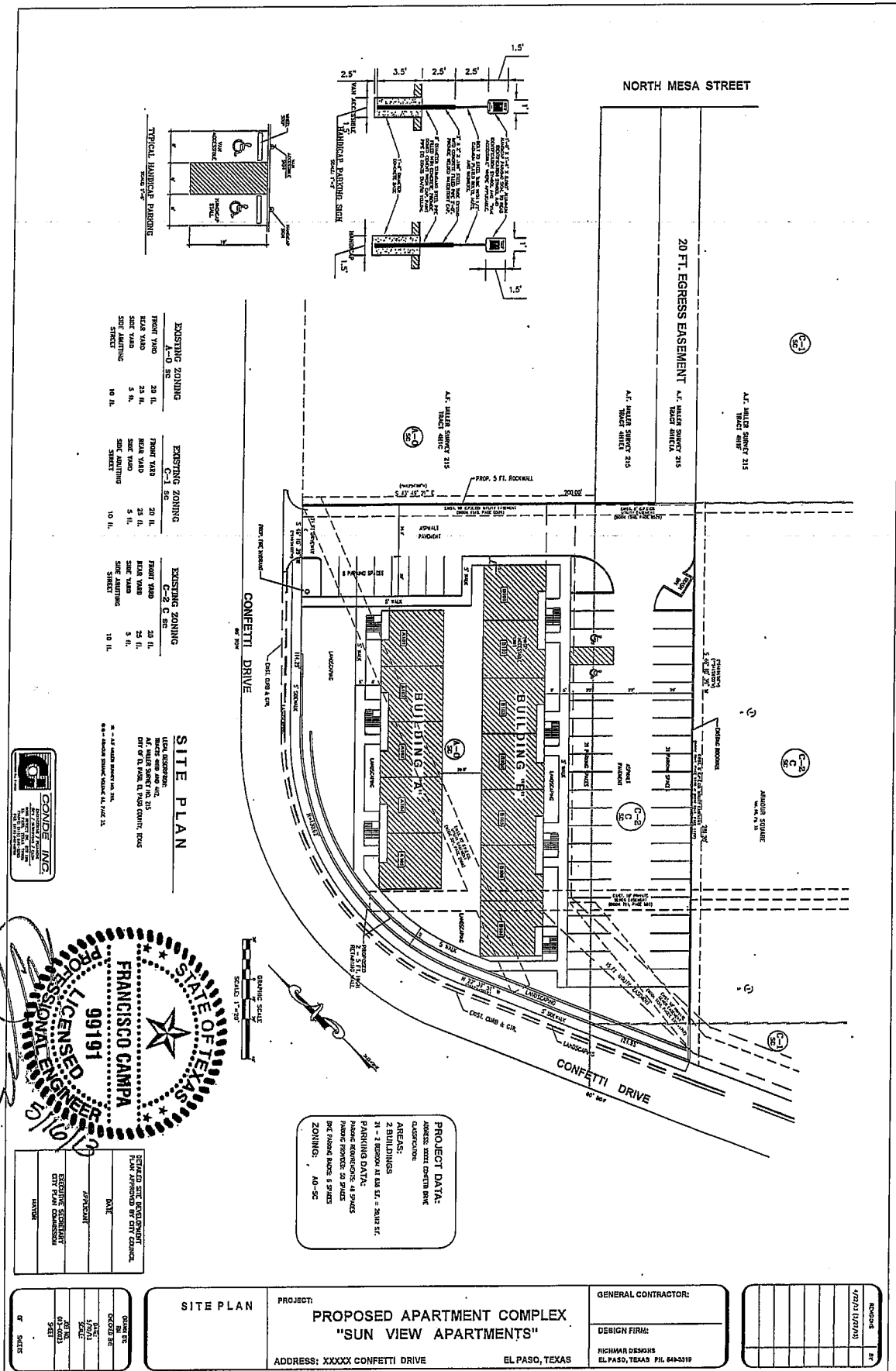
ATTACHMENT 2: AERIAL MAP

PZCR13-00006



# ATTACHMENT 3: CONCEPTUAL SITE PLAN

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4795

AN ORDINANCE CHANGING THE ZONING OF  
A PORTION OF TRACT 4F AND ALL OF TRACTS  
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way line of Mesa Avenue (U. S. Highway 80);

Thence South 43° 54' 00" East along the southwesterly right of way  
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of Tract 4F;

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and along the northerly line of Fiesta Hills Unit Two a distance of 654.64  
feet to a point in the easterly right of way line of Confetti Drive;

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of Confetti Drive a distance of 246.60 feet;

4795

4795



RESOLUTION

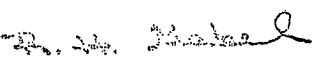
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Inc., a corporation, et al., placing certain restrictions on property rezoned  
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ADOPTED this 2 day of March, 1972.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

ENT  
MAR 6 1972  
OF PLANNING

CONTRACT

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First Parties have applied to the City of El Paso for rezoning of a portion of Tract 4F and all of Tracts 4E1 and ~~4H1~~<sup>4I1</sup>, A. F. Miller Survey 215 in the City of El Paso, El Paso County, Texas, which property is more particularly described in Ordinance No. 4795, now pending before the City Council of the City of El Paso, a copy of which is marked Exhibit "A", attached hereto and made a part hereof by reference.

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The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby. Second Parties, the holders of recorded liens on Tracts 4E1 and ~~4H1~~<sup>4I1</sup>, consent to the placing of the above restriction on the property.

Witness the following signatures and seals:

MESA VISTA, INC., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Secretary

E. PEINADO DEVELOPMENT CO., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Secretary

[Signature]  
Charles H. Leavell

[Signature]  
H. D. Fulwiler

TIMES ENTERPRISES, INC., a corporation

by [Signature]  
President

ATTEST:

[Signature]  
Asst. Secretary

THE CITY OF EL PASO

by [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

ATTACHMENT 5: OPPOSITION LETTER

**Salloum, Andrew M.**

---

**From:** Rubio, Arturo  
**Sent:** Wednesday, August 21, 2013 2:20 PM  
**To:** Salloum, Andrew M.  
**Subject:** FW: Apartment variance for 24 units vs 18 units zoned on Confetti St. next to Armour Self Storage at 5525 N Mesa.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Andy,

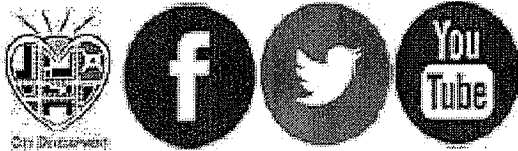
Please add this opposition letter to the CPC and Council back up.

Thanks

Art Rubio, Senior Planner  
City Development | City of El Paso  
222 S. Campbell Street  
El Paso, TX 79901  
O: 915.541.4633



Click on the links for more information about City Development:



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**From:** John Cooper [mailto:John@coopercompanies.net]  
**Sent:** Wednesday, August 21, 2013 1:57 PM  
**To:** Rubio, Arturo  
**Cc:** Reg Cooper  
**Subject:** Apartment variance for 24 units vs 18 units zoned on Confetti St. next to Armour Self Storage at 5525 N Mesa.

Dear Mr. Rubio,

I object to increasing the density of this development.

24 apartments will put an extreme load on the private sewer vs just 18 units. We can probably get an actual number of fixtures on the current existing users And I suspect this will double the load. Will they agree to a repair cost when it backs up based upon fixtures rather than they are one of six properties using it?

If they try cutting the existing dirt so the slope of the driveway is less severe they will have to rework the sewer and get everyone's permission.

I don't see any setback from what is referred to as a rock wall that is proposed along my common property line. I believe it is a health risk unless it is 6' high as the land slopes so severely. Some could fall over a smaller wall.

There will have to be a massive retaining wall on Confetti that I don't think is shown on the plans

Do you have a copy of the topo and the FF elevations of the buildings. I am very familiar with the site and it has not only the drop off at confetti but an optical illusion that the slope is not as severe as I believe as Topo would show.

John Cooper

P: 480 696 7664

F: 480 696 7664

15881 North 80th St  
Suite 100  
Scottsdale, AZ 85260

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**Salloun, Andrew M.**

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**From:** humberto garcia <hummerg55@gmail.com>  
**Sent:** Wednesday, August 21, 2013 4:31 PM  
**To:** Rubio, Arturo  
**Cc:** Salloun, Andrew M.  
**Subject:** case # PZCR13-00006

Art Rubio / Andrew Salloun

Gentlemen I am very concern about the proposed apartment complex and I voice my objection.

Thank you

H Garcia

**Salloum, Andrew M.**

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**From:** Lucy Garcia <garcialucy050@gmail.com>  
**Sent:** Wednesday, August 21, 2013 4:47 PM  
**To:** Rubio, Arturo  
**Cc:** Salloum, Andrew M.  
**Subject:** hearing case # PZCR13-00006

Andrew Salloum  
Art Rubio

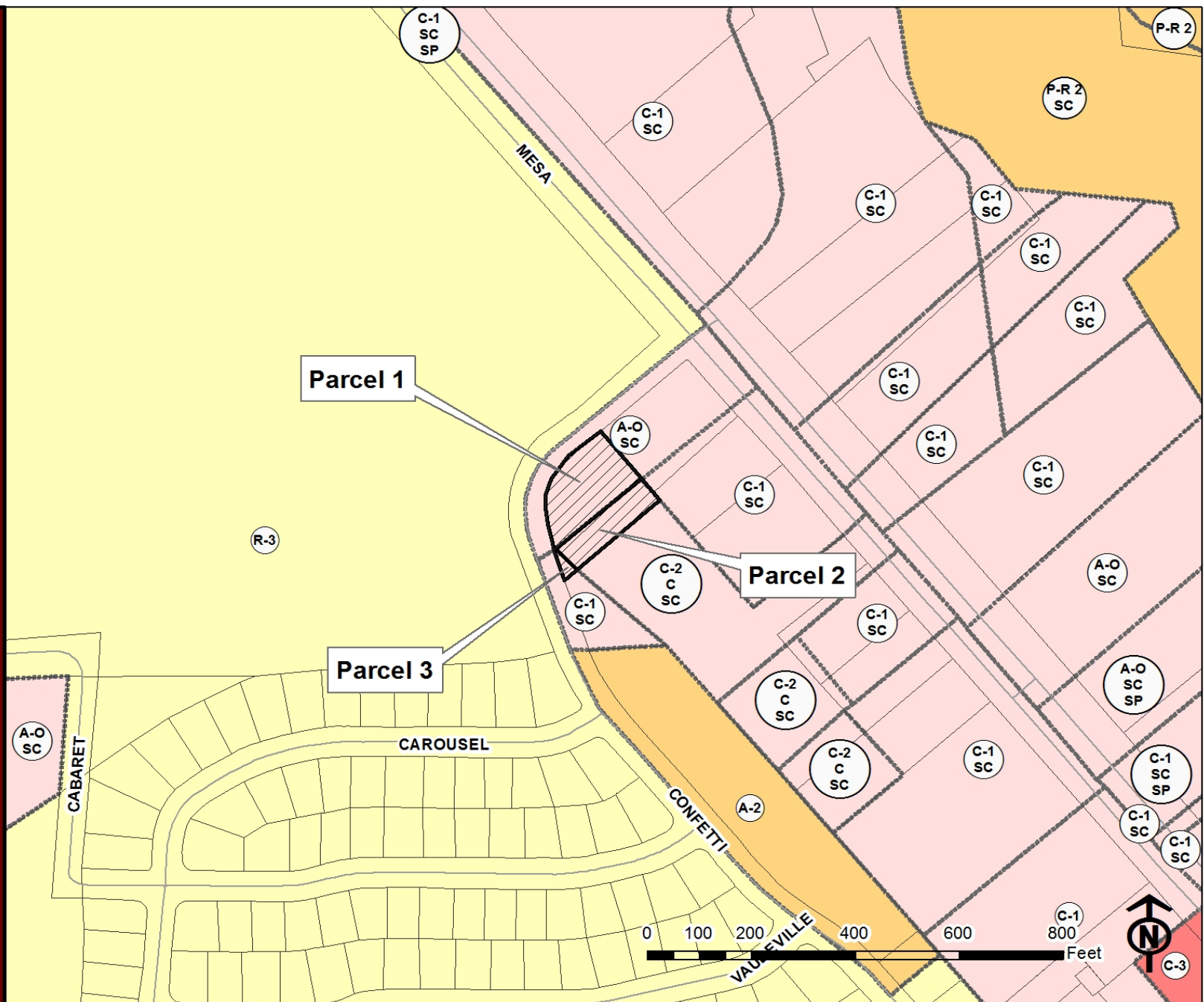
You will be hearing the arguments about this apartment tomorrow and I want to let you know that I strongly object to it. Have you done a TIA (Traffic Impact Analysis)?? Have you taken into account HEALTH, SAFETY, and WELFARE of the public??

Thank you

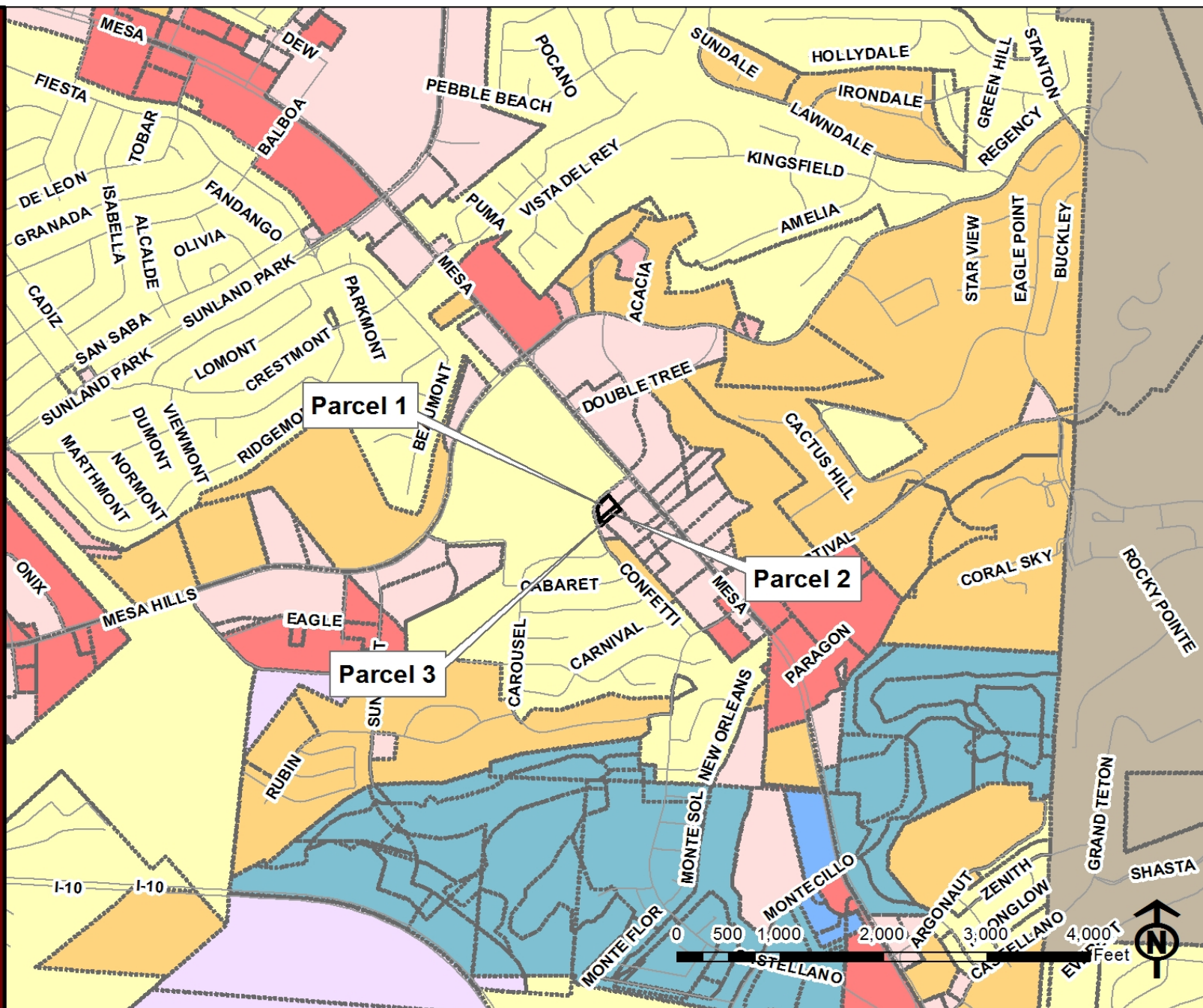
L. A. G.



PZCR13-000006



PZCR13-00006





PZCR13-000006





PZCR13-00006





CONTRACT

This contract, made this 25<sup>th</sup> day of February, 1972, by and between Mesa Vista, Inc., a corporation, and E. Peinado Development Co., a corporation, First Parties; Charles H. Leavell, H. D. Fulwiler ~~and W. C. Peinado~~ (not joined by their wives because the hereinafter described property has never been part of their homestead), and Times Enterprises, Inc., a corporation, Second Parties; and the City of El Paso, Third Party, witnesseth:

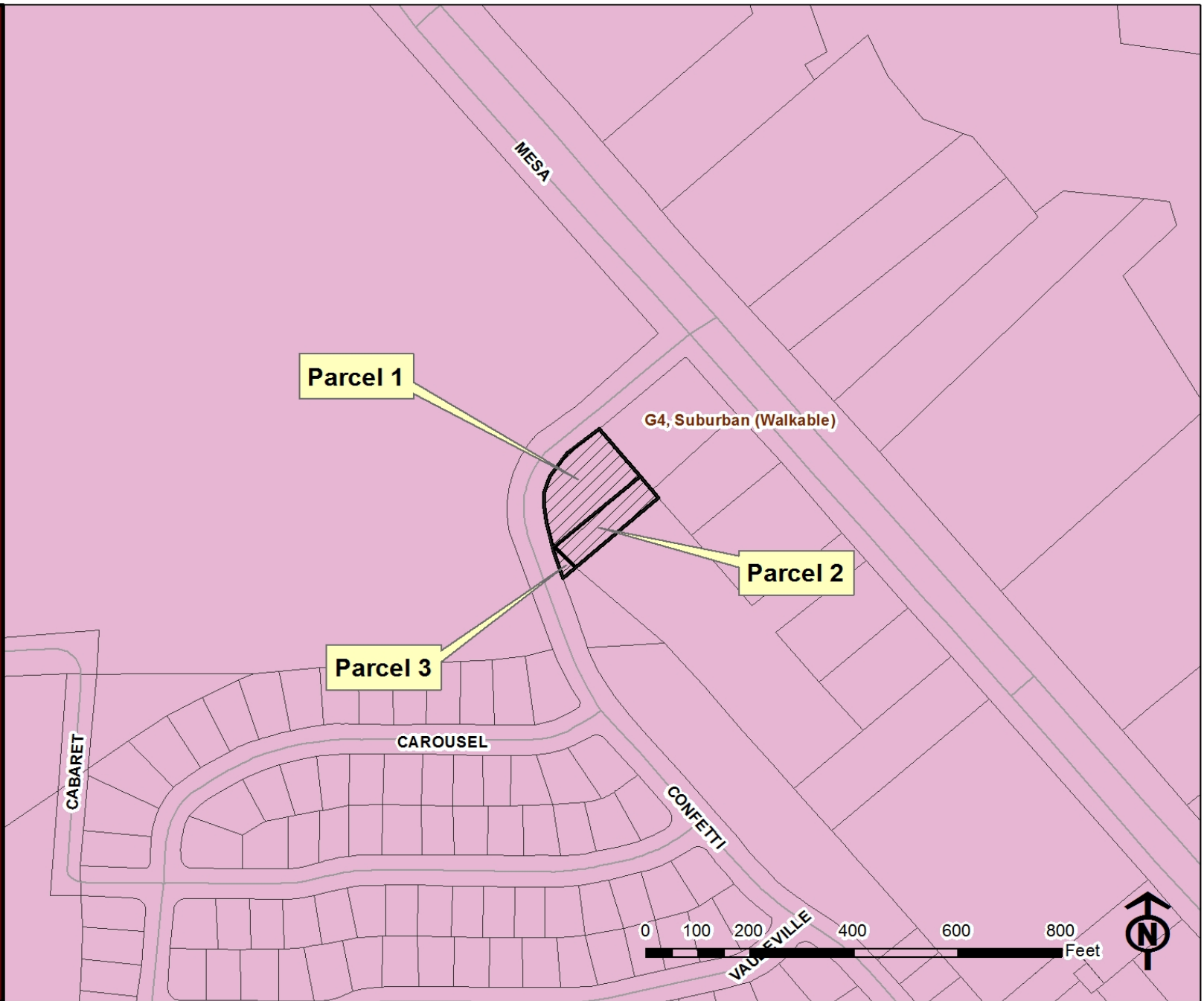
First Parties have applied to the City of El Paso for rezoning of a portion of Tract 4F and all of Tracts 4E1 and ~~4H1~~<sup>4H1</sup>, A. F. Miller Survey 215 in the City of El Paso, El Paso County, Texas, which property is more particularly described in Ordinance No. 4795, now pending before the City Council of the City of El Paso, a copy of which is marked Exhibit "A", attached hereto and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Parties covenant that if the property is rezoned as indicated in the attached ordinance, not more than eighteen apartment units per acre shall be permitted on the property.

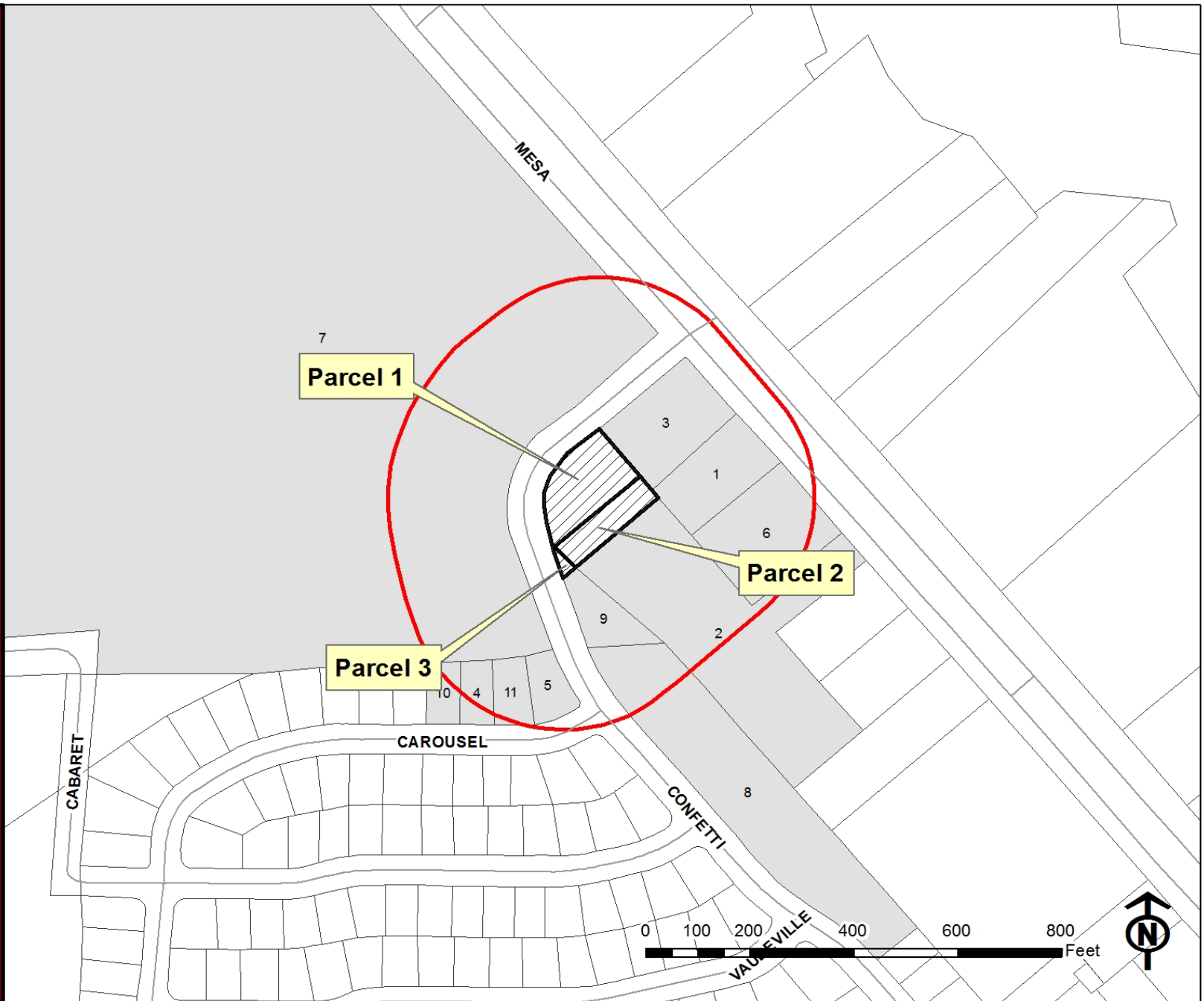
This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any further conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express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

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby. Second Parties, the holders of recorded liens on Tracts 4E1 and ~~4H1~~<sup>4H1</sup>, consent to the placing of the above restriction on the property.

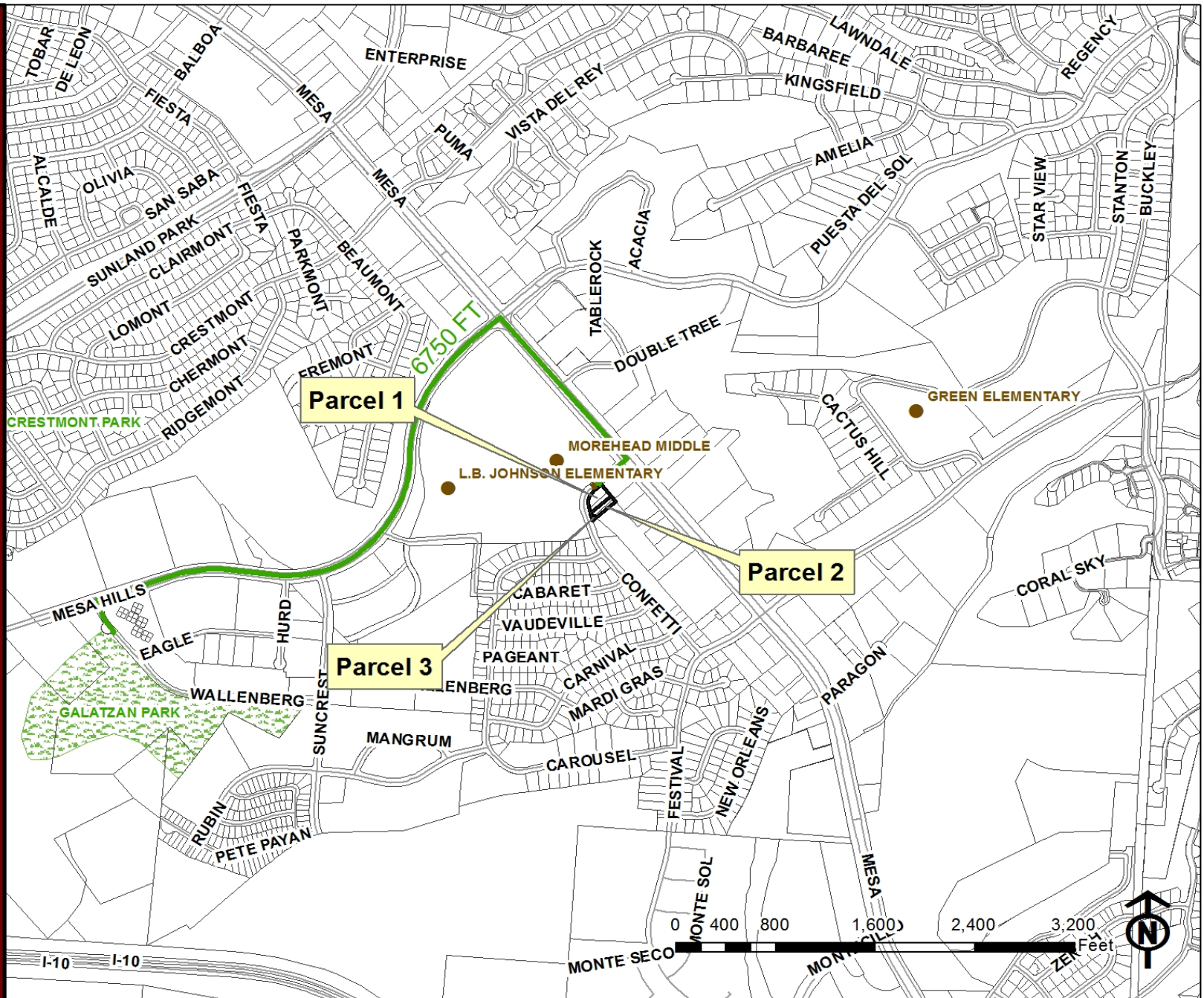
PZCR13-000006



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Subject Property



North



West



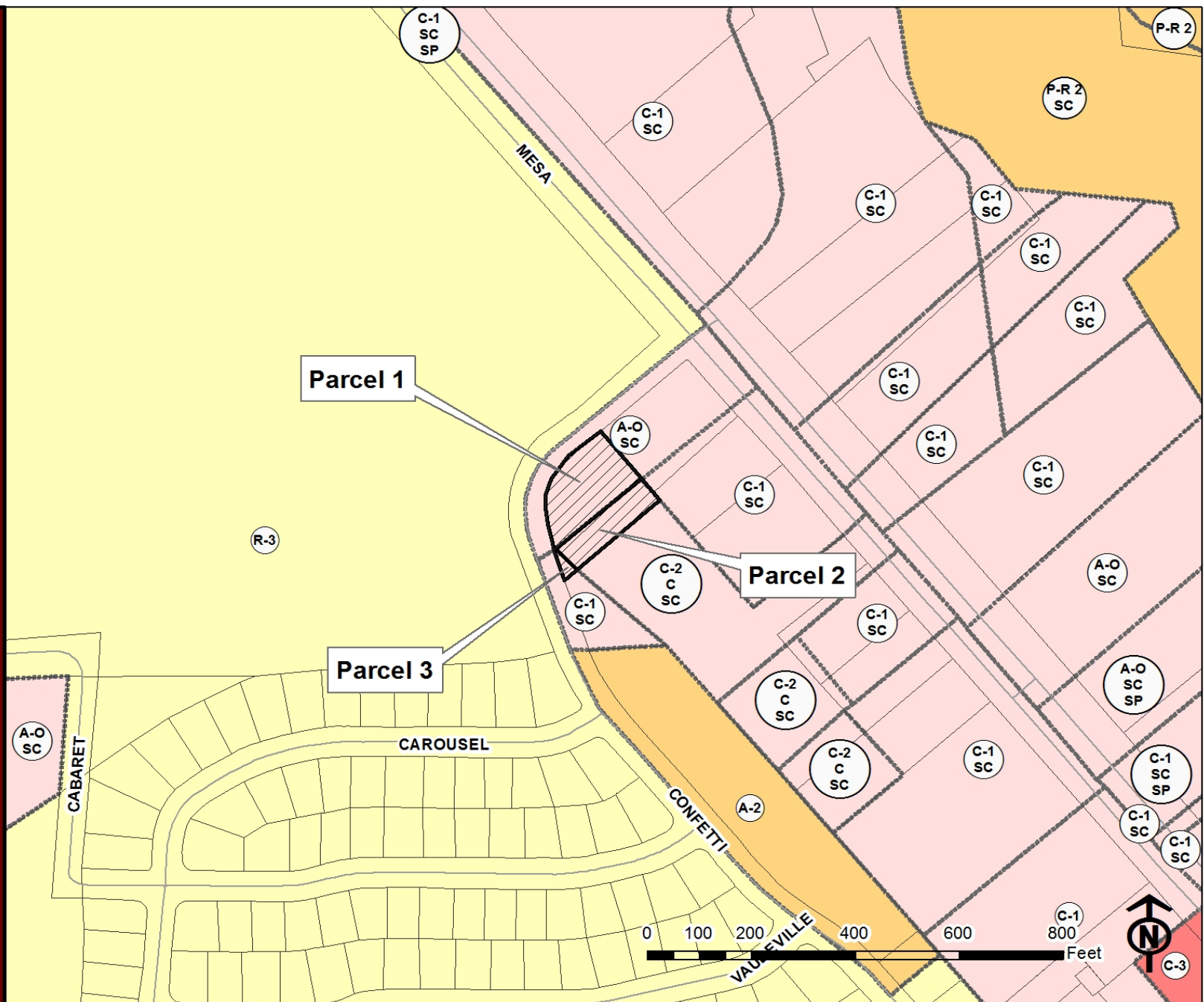
South



East



PZCR13-000006





PZCR13-000006





