

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



DEPARTMENT: Planning and Inspections

AGENDA DATE: 9/16/25

PUBLIC HEARING DATE: 10/14/25

CONTACT PERSON NAME: Philip F. Etiwe

PHONE NUMBER: (915) 212-1553

2nd CONTACT PERSON NAME: Saul J. G. Pina

PHONE NUMBER: (915) 212-1604

DISTRICT(S) AFFECTED: District 8

STRATEGIC GOAL:

#3 Promote the Visual Image of El Paso

SUBGOAL:

3.2 Set one standard for infrastructure across the city

SUBJECT:

An ordinance releasing all conditions placed on property by Ordinance No. 4928 which changed the zoning of Lot 2, Block 34, Mesa Hills Unit Seventeen, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release request meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 5662 N. Mesa Street
Applicant: Karla DiPascuale, PZCR25-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to release all conditions imposed by Ordinance No. 4928, dated September 5, 1972, to permit an addition to the existing medical office facility. City Plan Commission recommended 7-0 to approve the proposed condition release on July 17, 2025. As of September 2, 2025, the Planning Division has not received any communication in support or opposition to the condition release request. See attached staff report for additional information.

COMMUNITY AND STAKEHOLDER OUTREACH:

The subject property is located within the Upper Mesa Hills Neighborhood Association, which the applicant contacted. The applicant also conducted additional outreach by contacting the Mesa Hills Neighborhood Association. Public notice was sent to property owners within 300 feet of the subject property on July 3, 2025.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

REPORTING OF CONTRIBUTION OR DONATION TO CITY COUNCIL:

N/A

NAME	AMOUNT (\$)

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

DEPARTMENT HEAD: Philip Fiore

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 4928 WHICH CHANGED THE ZONING OF LOT 2, BLOCK 34, MESA HILLS UNIT SEVENTEEN, 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 *LOT 2, BLOCK 34, MESA HILLS UNIT SEVENTEEN, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 4928 approved by City Council on SEPTEMBER 5, 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:

That all of the zoning conditions imposed by Ordinance No. 4928 approved by City Council on *SEPTEMBER 5, 1972, RELEASED ON SEPTEMBER 8, 1980 AND LATER AMENDED ON AUGUST 6, 1996*, 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) *NOT MORE THAN 700 APARTMENT UNITS SHALL BE CONSTRUCTED OR MAINTAINED ON THE 47.303 ACRES OF A-O (APARTMENT-OFFICE) ZONED PART OF THE PROPERTY. NO PORTION OF THE LAND SHALL HAVE MORE THAN AN AVERAGE OF 22 APARTMENT UNITS PER ACRE.*

2) *NO BUILDINGS OR PART THEREOF SHALL BE CONSTRUCTED ON THE PROPERTY CLOSER THAN FIFTY (50) FEET TO THE PROPERTY LINE WHICH RUNS ALONG NORTH*

ORDINANCE NO. _____

PZCR25-00002

MESA STREET, HOWEVER, APPROVED SIGNAGE, MEETING THE REQUIREMENTS OF THE APPROPRIATE ZONING CLASSIFICATION, MAY BE PLACED WITHIN THE FIFTY (50) FOOT SETBACK. ON THE NORTHWESTERLY TWO HUNDRED FIFTY (250) FEET OF THE C-1 ZONED PROPERTY, A CANOPY OR APPURTENANCE SHALL BE PERMITTED TO BE CONSTRUCTED NO CLOSER THAN THIRTY (30) FEET TO THE PROPERTY LINE WHICH RUNS ALONG NORTH MESA STREET.

3(A) C-1 (COMMERCIAL) ZONED PROPERTY: BEFORE CERTIFICATES OF OCCUPANCY AND COMPLIANCE ARE ISSUED FOR ANY BUILDINGS TO BE CONSTRUCTED ON THE PROPERTY, THE OWNERS OF THE PROPERTY WILL, AT THE OWNERS' EXPENSE, FOR THAT PORTION OF THE PROPERTY WHICH IS DEVELOPED, LANDSCAPE THE WESTERLY 15 FEET OF THE PROPERTY ADJACENT TO NORTH MESA STREET, EXCEPT DRIVEWAYS FOR INGRESS AND EGRESS AND EXCEPTING THE NORTHWESTERLY 250 FEET OF THE C-1 ZONED PROPERTY. DESERT OR NATURAL LANDSCAPING SHALL BE PERMITTED. NO VEHICLES SHALL BE ALLOWED TO PARK ON THE WESTERLY 50 FEET OF THE PROPERTY, WHICH IS NOT REQUIRED TO BE LANDSCAPED; HOWEVER, AN ON-SITE DRIVE TO FACILITATE INTERIOR TRAFFIC CIRCULATION MAY BE PERMITTED.

3(B) A-O (APARTMENT-OFFICE) ZONED PROPERTY: BEFORE CERTIFICATES OF OCCUPANCY AND COMPLIANCE ARE ISSUED FOR ANY BUILDING TO BE CONSTRUCTED ON THE PROPERTY, FIRST PARTY WILL, AT ITS EXPENSE FOR THAT PORTION OF THE PROPERTY WHICH IS DEVELOPED, LANDSCAPE THE WESTERLY 25 FEET OF THE PROPERTY ADJACENT TO NORTH MESA STREET. DESERT OR NATURAL LANDSCAPING SHALL BE PERMITTED. NO VEHICLES SHALL BE ALLOWED TO STOP, STAND OR PARK ON THE WESTERLY 25 FEET OF THE PROPERTY, EXCEPT INGRESS AND EGRESS SHALL BE PERMITTED ACROSS THE 25 FEET OF THE PROPERTY AS APPROVED BY THE CITY OF EL PASO CITY COUNCIL.

4) NO BUILDING PERMITS SHALL BE ISSUED FOR CONSTRUCTION ON THE PROPERTY UNTIL SITE DEVELOPMENT PLANS AND ARCHITECTURAL REVIEW OF THE PROPOSED DEVELOPMENT ON THE PROPERTY HAVE BEEN APPROVED BY THE CITY PLAN COMMISSION OF THE CITY OF EL PASO.

ADOPTED this _____ day of _____, 2025.

(Signatures of Following Page)

ORDINANCE NO. _____

HQ25-5294|Tran#615561|P&I|JAQ
5662 N. Mesa Zoning Condition Release

PZCR25-00002

Page 2 of 3

THE CITY OF EL PASO

Renard U. Johnson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Jesus A. Quintanilla
Assistant Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

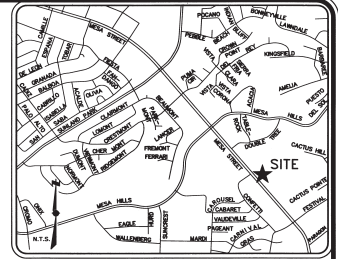
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PZCR25-00002

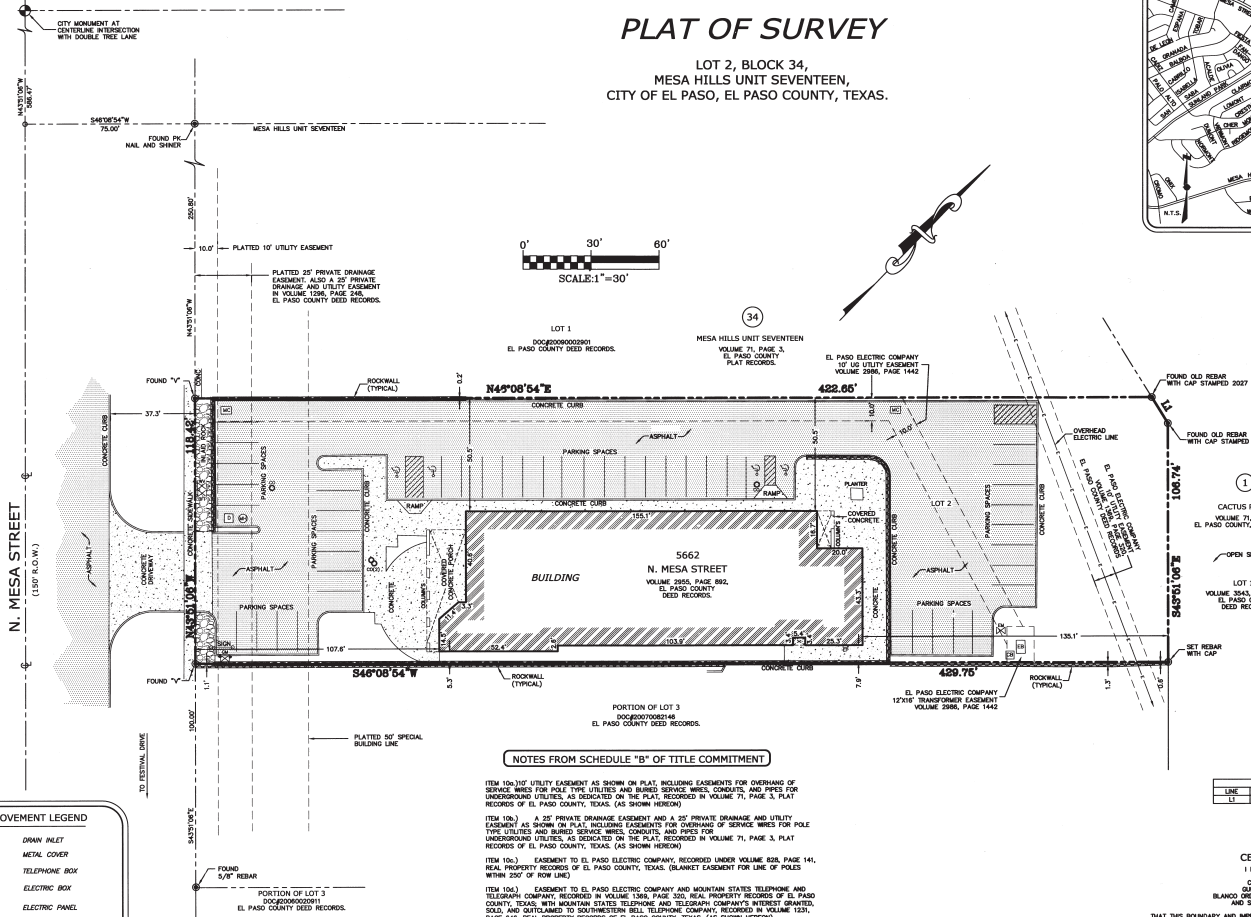
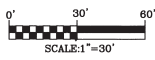
EXHIBIT "A"

PLAT OF SURVEY

LOT 2, BLOCK 34,
MESA HILLS UNIT SEVENTEEN,
CITY OF EL PASO, EL PASO COUNTY, TEXAS.



VICINITY MAP



NOTES FROM SCHEDULE "B" OF TITLE COMMITMENT

- ITEM 104.107 UTILITY EASEMENT AS SHOWN ON PLAT, INCLUDING EASEMENTS FOR OVERHEAD OF SERVICE WIRES FOR POLE TYPE UTILITIES AND BURIED SERVICE WIRES, CONDUITS, AND PIPES FOR UNDERGROUND UTILITIES, AS DEDICATED ON THE PLAT, RECORDED IN VOLUME 71, PAGE 3, PLAT RECORDS OF EL PASO COUNTY, TEXAS. (AS SHOWN HEREON)
- ITEM 104.108 A 25' PRIVATE DRAINAGE EASEMENT AND A 25' PRIVATE DRAINAGE AND UTILITY EASEMENT AS SHOWN ON PLAT, INCLUDING EASEMENTS FOR OVERHEAD OF SERVICE WIRES FOR POLE TYPE UTILITIES AND BURIED SERVICE WIRES, CONDUITS, AND PIPES FOR UNDERGROUND UTILITIES, AS DEDICATED ON THE PLAT, RECORDED IN VOLUME 71, PAGE 3, PLAT RECORDS OF EL PASO COUNTY, TEXAS. (AS SHOWN HEREON)
- ITEM 104.109 EASEMENT TO EL PASO ELECTRIC COMPANY, RECORDED UNDER VOLUME 303, PAGE 141, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (BLANKET EASEMENT FOR LINE OF POLES WITHIN 250' OF ROW LINE)
- ITEM 104.1 EXEMPTION TO EL PASO ELECTRIC COMPANY AND MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, RECORDED IN VOLUME 1369, PAGE 303, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, WITH MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY'S INTEREST GRANTED, SOLD, AND OUTLINED TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 1231, PAGE 848, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (AS SHOWN HEREON)
- ITEM 104.1 EXEMPTION TO EL PASO ELECTRIC COMPANY, RECORDED IN VOLUME 2898, PAGE 1442, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (AS SHOWN HEREON)
- ITEM 104.1 (NO SURVEY ITEMS)
- ITEM 104.1 RECORDING CONTRACT BETWEEN MESA VISTA, INC. AND THE CITY OF EL PASO, RECORDED IN VOLUME 411, PAGE 214 AMENDED IN VOLUME 853, PAGE 1143 AND PARTIALLY RELEASED IN VOLUME 1139, PAGE 1251, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (NO SURVEY ITEMS)
- ITEM 104.1 PRIVATE DRAINAGE AND UTILITY EASEMENTS AS SET OUT IN AFFIDAVIT BETWEEN SCHAEFER DEVELOPMENT COMPANY LIMITED AND MONTWOOD INVESTMENTS LIMITED, RECORDED IN VOLUME 1091, PAGE 244, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (NO SURVEY ITEMS)
- ITEM 104.1 UNRECORDED LEASE BETWEEN COR JOINT VENTURE, AS LESSOR (LANDLORD) AND SCHAEFER DEVELOPMENT, INC. AS LESSEE (TENANT) AS SET OUT IN SUBORDINATION, NON-POSSESSION, AND ATTACHMENT AGREEMENT DATED 11/16/2003 BETWEEN COR JOINT VENTURE, SCHAEFER DEVELOPMENT, INC. AND JPMORGAN CHASE BANK OF TEXAS, N.A. FILED ON 11/23/2003, RECORDED IN CLERK'S FILE NO. 2003070655, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS. (NO SURVEY ITEMS)

LINE	LENGTH	BEARING
1	13.87	S72°10'25"E

CERTIFICATION

I HEREBY CERTIFY TO:

COR JOINT VENTURE,
GRAN PROPERTIES, LLC,
BLANCO ORDONEZ MATA & WALLACE, P.C.
AND STEWART TITLE COMPANY

THAT THIS BOUNDARY AND IMPROVEMENT SURVEY IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLIED WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND SURVEYING PRACTICE AND TECHNICAL STANDARDS

JOHN A. EBY, R.P.L.S. TX-5372, NM-17779

REVISED 01/05/2015
REVISED 12/23/2014
REVISED 12/19/2014



LOT 2, BLOCK 34, MESA HILLS UNIT SEVENTEEN, CITY OF EL PASO, EL PASO COUNTY, TEXAS.		PLAT RECORD: VOLUME: 71 PAGE: 3
TITLE CO: STEWART TITLE FILE# 01004-7375 DATED: 01/05/2015		
FIRM ZONE: C PANEL# 480214-0027 D DATED: 01/03/1997		
DATE OF SURVEY: 11/26/2014 OFFICE: LM FIELD: JAE, AG, JC		
PASO DEL NORTE SURVEYING INC. PH: 915-241-1841 13998 BRADLEY ROAD, EL PASO, TEXAS 79938 FAX: 915-855-8925 © COPYRIGHT		

IMPROVEMENT LEGEND

- 1 DRAIN INLET
- 2 METAL COVER
- 3 TELEPHONE BOX
- 4 ELECTRIC BOX
- 5 ELECTRIC PANEL
- 6 GAS METER
- 7 BACK FLOW PREVENTER
- 8 ELECTRIC METER
- 9 GUARD POST
- 10 CLEAN OUT
- 11 MANHOLE

NOTE: THIS SURVEY SHOWS EASEMENTS REFLECTED ON SCHEDULE "B" OF THE TITLE COMMITMENT REFERENCED HEREON. FOR THESE OVERLIES VISIBLE TO THE SURVEYOR, THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.

5662 N. Mesa

City Plan Commission — July 17, 2025



REZONING

CASE NUMBER:	PZCR25-00002
CASE MANAGER:	Saul J. G. Pina, (915) 212-1604, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	MKD Real Estate, LLC
REPRESENTATIVE:	Fokus on Architecture, Inc.
LOCATION:	5662 N. Mesa Street (District 8)
PROPERTY AREA:	1.17 acres
REQUEST:	To release conditions imposed by Ordinance No. 4928
RELATED APPLICATIONS:	None
PUBLIC INPUT:	No communication received as of July 10, 2025

SUMMARY OF REQUEST: The applicant is requesting to release conditions imposed by Ordinance No. 4928 on the subject property to permit an addition to the existing medical office facility.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the condition release request. This recommendation is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-4, Suburban (Walkable) Future Land Use Designation.

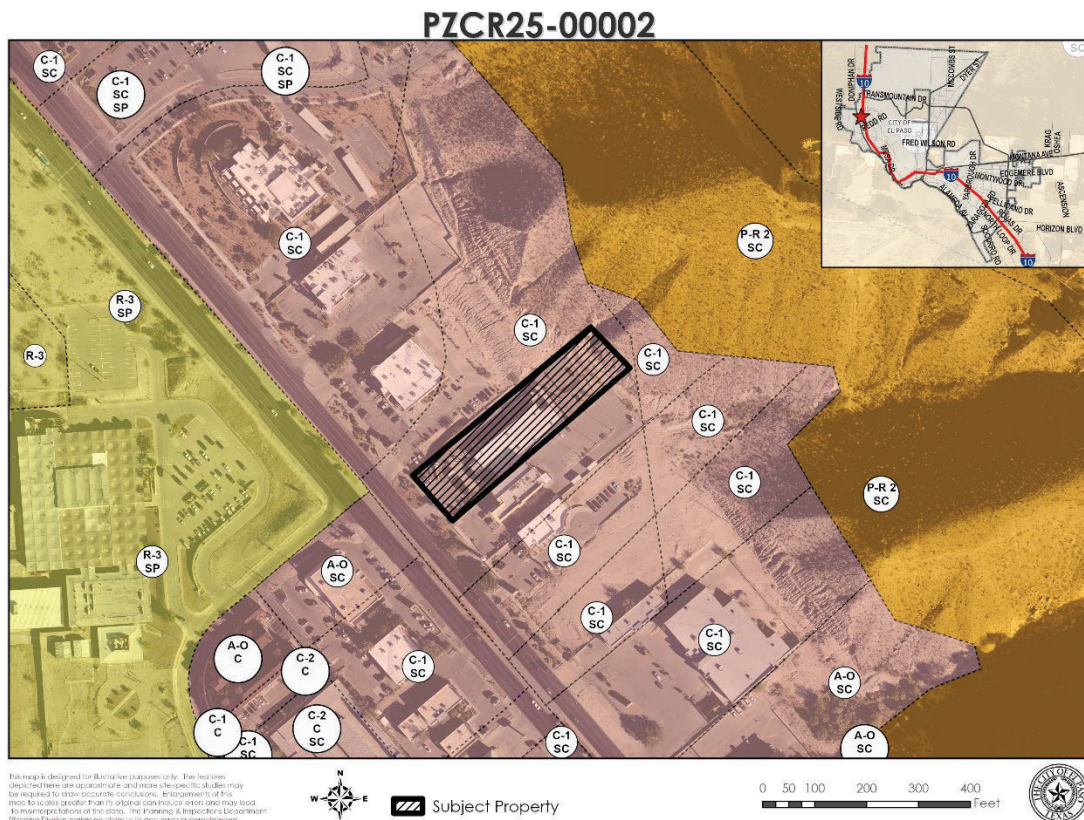


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to release conditions imposed by Ordinance No. 4928, to permit an addition to the existing medical office facility. The subject property is approximately 1.17 acres in size. The conceptual plan shows the facility, with parking, landscape, and a proposed 784 square foot canopy. Main access to the subject property is provided from N. Mesa Street.

PREVIOUS CASE HISTORY: Ordinance 4928, dated September 5, 1972 (attachment 3), changed the zoning of Parcel 1 to C-1 (Commercial) and Parcel 2 to A-O (Apartment-office) and imposed conditions via a special contract, which were released on September 8, 1980 and later amended on August 6, 1996. Applicable conditions are the following:

- 1) *Not more than 700 apartment units shall be constructed or maintained on the 47.303 acres of A-O (Apartment-office) zoned part of the property. No portion of the land shall have more than an average of 22 apartment units per acre.*
- 2) *No buildings or part thereof shall be constructed on the property closer than fifty (50) feet to the property line which runs along North Mesa Street, however, approved signage, meeting the requirements of the appropriate zoning classification, may be placed within the fifty (50) foot setback. On the northwesterly two hundred fifty (250) feet of the C-1 zoned property, a canopy or appurtenance shall be permitted to be constructed no closer than thirty (30) feet to the property line which runs along North Mesa Street.*
- 3(a) *C-1 (Commercial) zoned property: Before Certificates of Occupancy and Compliance are issued for any buildings to be constructed on the property, the owners of the property will, at the owners' expense, for that portion of the property which is developed, landscape the westerly 15 feet of the property adjacent to North Mesa Street, except driveways for ingress and egress and excepting the northwesterly 250 feet of the C-1 zoned property. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to park on the westerly 50 feet of the property, which is not required to be landscaped; however, an on-site drive to facilitate interior traffic circulation may be permitted.*
- 3(b) *A-O (Apartment-office) zoned property: Before certificates of occupancy and compliance are issued for any building to be constructed on the property, First Party will, at its expense for that portion of the property which is developed, landscape the westerly 25 feet of the property adjacent to North Mesa Street. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to stop, stand or park on the westerly 25 feet of the property, except ingress and egress shall be permitted across the 25 feet of the property as approved by the City of El Paso City Council.*
- 4) *No building permits shall be issued for construction on the property until site development plans and architectural review of the proposed development on the property have been approved by the City Plan Commission of the City of El Paso.*

Note: *All conditions are to be released. The conditions have either been satisfied, are current requirements, or are not applicable.*

STAFF ANALYSIS: Staff recommends the release of all conditions as the subject property and neighboring properties are already developed with conditions having been satisfied, current requirements, or are not applicable. The conditions were originally imposed to a large area during the rezoning as means to protect neighboring properties in the area from uncontrolled development. These properties have been developed along Mesa Street, which is a Transit Oriented Development (TOD) corridor with the conditions being in conflict with this classification.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The medical facility is in character with surrounding properties. Furthermore, the proposed condition release will not affect the existing properties and uses. To the north is a medical office, zoned C-1/sc (Commercial/special contract); to the south are medical offices zoned A-O/sc (Apartment/Office/special contract) and C-1/sc (Commercial/special contract); to the east is a restaurant zoned C-1/sc (Commercial/special contract); and to the west is a vacant property zoned R-3 (Residential). The nearest school, Charles Murphree PK-8 School, is 0.86 miles and the nearest park, Galatzan Park, is 1.26 miles in proximity to the subject property.

POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed change is compatible with the Future Land Use designation for the property:</p> <p>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.</p>	<p>Yes. The existing medical office is compatible with the future land use designation as it integrates with the various types of light-commercial uses buffering apartments and residential dwellings.</p>
<p>Compatibility with Surroundings: The proposed request and the existing zoning district are compatible with those surrounding the site:</p> <p>C-1 (Commercial): The purpose of this 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.</p>	<p>Yes. The proposed condition release is compatible with the existing surrounding zoning districts. The current commercial zoning permits the use of medical office and other light-commercial uses. The condition release will permit design flexibility and efficient use of the land without limiting landscape and parking requirements.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The property is accessible from Mesa Street, a major arterial designated in the City's Major Thoroughfare Plan. This road's classification is suitable for the development of light-commercial uses.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.</p>	<p>None. The property is not located within any historic districts nor any other special designation areas.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>None. There are no anticipated adverse impacts. The proposed change will only permit the expansion of the facility without impacting neighboring properties.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>None. The proposed development does not involve green field or environmentally sensitive land or arroyo disturbance.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>Yes. The area is stable with no changes in zoning.</p>
<p>Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>None.</p>

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is provided from Mesa Street, which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the existing medical office use. Furthermore, Mesa Street is a Transit-Oriented Development (TOD) corridor, with the site currently accessible by bicycle, pedestrian, and public transit, including Brio and regular bus service. The closest bus stop is located approximately 0.07 miles from the site.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received from the reviewing departments.

PUBLIC COMMENT: The subject property is located within the Upper Mesa Hills Neighborhood Association. The applicant also conducted additional outreach by contacting the Mesa Hills Neighborhood Association. Public notice was sent to property owners within 300 feet of the subject property on July 3, 2025. As of July 10, 2025, the Planning Division has not received any communication in support of or opposition to the request.

CITY PLAN COMMISSION OPTIONS: The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the condition release request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)
2. **Recommend Approval of the condition release request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the condition release request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Conceptual Plan
3. Ordinance No. 16385
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

PZCR25-00002

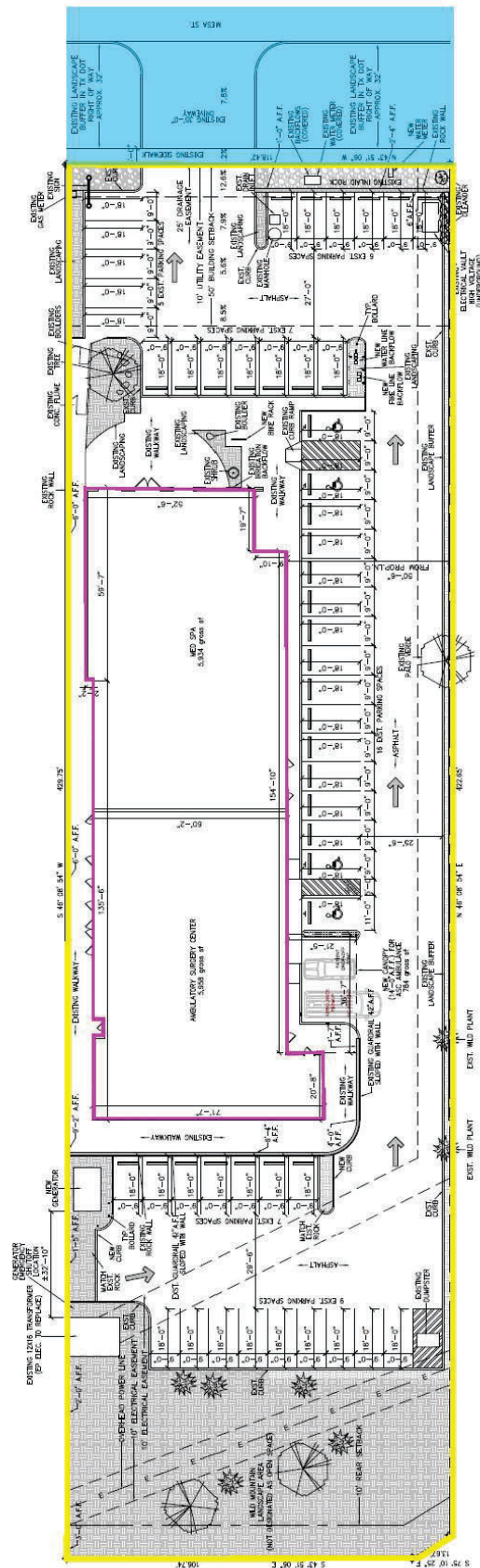


Subject Property



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2



ATTACHMENT 3

8/31/12
City Clerk R.H.G.
ADOPTED
Date 9/17/12
City Clerk R.H.G.
505 8 25 30 1103
OK

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

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

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

Parcel #1 - C-1 Zoning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel #2 - A-O Zoning

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

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

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

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

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

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

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

Thence North 65° 05' 46" East a distance of 245.00 feet;
 Thence South 44° 28' 34" East a distance of 603.62 feet;
 Thence South 71° 38' 19" East a distance of 492.05 feet;
 Thence South 51° 52' 37" East a distance of 283.47 feet;
 Thence South 44° 24' 34" East a distance of 342.96 feet;
 Thence South 46° 06' 06" West a distance of 367.76 feet;
 Thence South 44° 07' 24" East a distance of 496.02 feet;
 Thence South 64° 34' 47" West a distance of 85.00 feet;
 Thence 267.42 feet along the arc of a curve to the left whose interior angle is 18° 28' 47", whose radius is 829.12 feet and whose chord bears South 55° 20' 24" West a distance of 266.26 feet;
 Thence South 46° 06' 00" West a distance of 517.00 feet to the point of beginning, containing in all 47.303 acres of land, more or less.

PASSED AND APPROVED this 17th day of September,
 1972.

[Signature]
 Mayor

ATTEST:

[Signature]
 City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS
 HAVE BEEN REVISED: Joe Henderson
 10-24-72 COUNCIL
 10-24-72 ORIGINAL
 10-24-72 Blair Dusseldorf
 10-25-72 CONTROL [Signature]
 10-24-72 EDP

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

CONTRACT

This contract, made this 5th day of September, 1972, by and between Mesa Vista, Inc., a corporation, First Party; Charles H. Leavell, H. D. Fulwiler, and Dutchie Boyd, James Egbert Boyd, Jan Boyd Blackwell and Donald P. Bandy (as Independent Executors of the Estate of William E. Boyd, deceased), and Times Enterprises, Inc., a corporation, Second Parties; and the City of El Paso, Third Party, WITNESSETH:

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

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

1. No apartments shall be permitted on the C-1 (commercial) zoned part of the property.

2. Not more than 700 apartment units shall be constructed or maintained on the 47.303 acres of A-O (apartment-office) zoned part of the property. No portion of the land shall have more than an average of 22 apartment units per acre.

3. No building, structure or part thereof shall be constructed on the property closer than 50 feet to the property line which runs along North Mesa Street, except on the northwesterly 250 feet of the C-1 zoned property, a canopy or appurtenance shall be permitted to be constructed no closer than 30 feet to the property line which runs along North Mesa Street.

4 (a). C-1 (commercial) zoned property: Before certificates of occupancy and compliance are issued for any buildings to be constructed on the property, First Party will, at its expense for that portion of the property which is developed, landscape the westerly 50 feet of the property adjacent to North Mesa Street, except the northwesterly 250 feet of the C-1 zoned property. Desert or natural landscaping shall be permitted. No vehicles shall be allowed to stop, stand or park on the westerly 50 feet of the property; however, such 50 feet may be used for utility services, such as water, sewer and gas mains, and electrical services.

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

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

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

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

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

Witness the following signatures and seals:

ATTEST:

MESA VISTA, INC., a corporation

Elayne B. Honess
Elayne B. Honess, Ass't Sec.

By Harry W. Buckley
Harry W. Buckley, President

Charles H. Leavell
Charles H. Leavell

H. D. Fulwiler
H. D. Fulwiler

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends **Approval** of the condition release as the current conditions are not necessary or applicable for the proposed construction to the medical office.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend Approval: No comments on the condition release.

Planning and Inspections Department – Land Development

Recommend Approval with condition:

1. TXDOT review and approval are required of the proposed subdivision for drainage and access requirements at the time of grading permit.
2. Any modification of the existing condition on the “wild mountain area” (Existing berm / detention pond) mentioned in the detailed site development plan, a grading (drainage) permit is required.

Streets and Maintenance Department

Traffic and Transportation Engineering:
No objections to application.

Street Lights Department:

Do not object to this request.

Mesa St. is a Texas Department of Transportation (TXDOT) right-of-way (ROW).

Street Lights Department requires that all projects that involve a roadway are to be evaluated for lighting requirements based on the City of El Paso Street Design Manual (SDM) and the Design Standards for Construction (DSC) according to City of El Paso Codes (cited below). While developing a project or construction area the existing street illumination system shall be protected and preserved. Complete survey for street illumination system shall be shown on plans. Any change on existing street illumination systems shall be coordinated with Street Lights Department.

For the development of a project a complete set of plans shall be submitted to Street Lights Department for review showing the minimum requirements for street illumination proposals**. The submission shall contain but shall not necessarily be limited to plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site***. The description of all lighting fixtures, both proposed and existing. Photometric data. Plans shall show street illumination design and details. El Paso city code is applicable to this process, Street Design Manual (SDM)* and any other applicable standards or requirements of the city.

City of El Paso Codes to be followed:

*Title 19 - 19.16.010 - Streetlighting.

**18.18.190 – Submission contents.

*** 19.02.040 Criteria for approval.

Contract Management Section:

1. Indicate that any damaged structure must be restored to same or better condition, this goes for asphalt, concrete, manholes, or water valves. Follow DSC and City of El Paso Municipal Codes as applicable for all proposed and improvements on the project.
2. Indicate that any infrastructure that is on city right of way must be done as per Design Standards for Construction and Municipal Code

Environment Services

No comments to provide. If construction requires a Traffic Control Permit, please provide a copy in order prevent any disruption of Sun Metro Transit services and operations.

El Paso Water

EPWater-PSB 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 24-inch diameter water transmission main that extends along Mesa St., located approximately 2-feet north of the south right-of-way line. No direct service connections are allowed to this main as per EPWater-PSB Rules and Regulations.

There is an existing 12-inch diameter water main that extends along an existing 25-foot PSB easement north of and parallel to Mesa Street. This main is available for service.

There is an existing 12-inch diameter water main that extends along Mesa St., located approximately 73-feet north of the south right-of-way line. This main is available for service.

Previous water pressure reading from fire hydrant #02707, located on Mesa St. fronting 5664 Mesa St., has yielded a static pressure of 140 psi, a residual pressure of 130 psi, and a discharge of 1,113 gpm. 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.

EPWater records indicate an existing 1½-inch service, with service address of 5662 N. Mesa St.

Sanitary Sewer:

There is an existing 12-inch diameter sanitary sewer main that extends along an existing 25-foot PSB easement north of and parallel to Mesa Street. This main is available for service.

General:

No building, reservoir, structure, parking stalls, trees, or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign, or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater-PSB requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current 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.

Stormwater:

EP Water-SW reviewed the property described above and provided the following comments:

- What is the purpose of removing the restrictions imposed by an ordinance? Do they plan to expand? If so

the comment below applies.

- As per the Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of green space, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

El Paso County 911 District

The 911 District has no comments or concerns.

Texas Department of Transportation

No TxDOT comments as there appears to be no work affecting the ROW.

Texas Gas Service

In reference to case PZCR25-00002 - 5662 N Mesa St, Texas Gas has a service line at 5662 N Mesa St.

Disclaimer: Texas Gas Service does not allow permanent structures nor trees to be installed on top of TGS gas mains or service lines. If a conflict is anticipated, the developer, contractors or owner representative should contact TGS to relocate the gas main and/or service at the developer's expense.

El Paso Electric

No comments for 5662 N Mesa St.

Sun Metro

No comments received.

El Paso County Water Improvement District No. 1

No comments received.

Police Department

No comments received.

Fire Department

No comments provided.

ATTACHMENT 5

PZCR25-00002

