

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON09-00020, TO ALLOW BALLROOMS ON THE PROPERTY DESCRIBED AS LOTS 1 AND 2, BLOCK 1, JOHN T. HELLARD SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.08.030 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, John Hellard and Jesus Allen, have applied for a Special Permit under Section 20.08.030 of the El Paso City Code to allow for ballrooms; and,

WHEREAS, the Section 20.08.030 allows for ballrooms; and,

WHEREAS, a report was made by the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a **C-3/c (Commercial/conditions)**

District:

*Lots 1 and 2, Block 1, John T. Hellard Subdivision, City of El Paso,
El Paso County, Texas.*

2. That the City Council hereby grants a Special Permit under Section 20.08.030 of the El Paso City Code to allow for ballrooms on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the **C-3/c (Commercial/conditions) District** regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. ZON09-00020** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew S. McElroy
Deputy Director – Planning
Development Services Department

(Agreement on following page)

AGREEMENT

John Hellard and Jesus Allen, the Applicants referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **C-3/sc (Commercial/conditions) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this _____ day of _____, 2009.

ALLEN CONSTRUCTION:

John Hellard

Jesus Allen

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

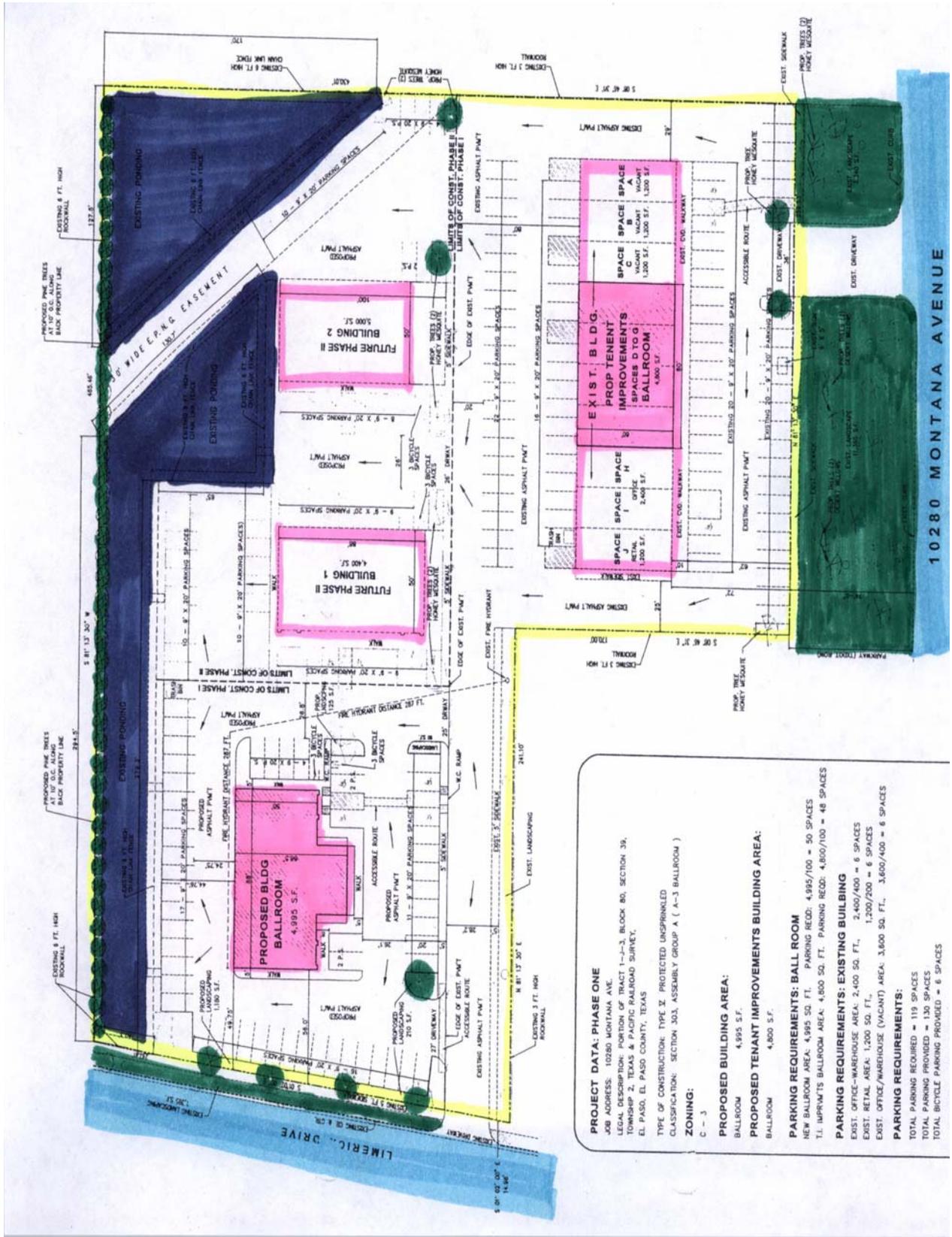
This instrument is acknowledged before me on this _____ day of _____, 2009, by **John Hellard**, as Applicant.

Notary Public, State of Texas
Signature

Printed or Typed Name

My Commission Expires:

(Acknowledgements continue on following page)



PROJECT DATA: PHASE ONE
 JOB ADDRESS: 10280 MONTANA AVE.
 LEGAL DESCRIPTION: PORTION OF TRACT 1--3, BLOCK 80, SECTION 39,
 TOWNSHIP 2, TEXAS & PACIFIC RAILROAD SURVEY,
 EL PASO, EL PASO COUNTY, TEXAS
 TYPE OF CONSTRUCTION: TYPE II, PROTECTED UNSPRINKLED
 CLASSIFICATION: SECTION 303, ASSEMBLY GROUP A (A-3 BALLROOM)
ZONING:
 C - 3

PROPOSED BUILDING AREA:
 BALLROOM 4,995 S.F.

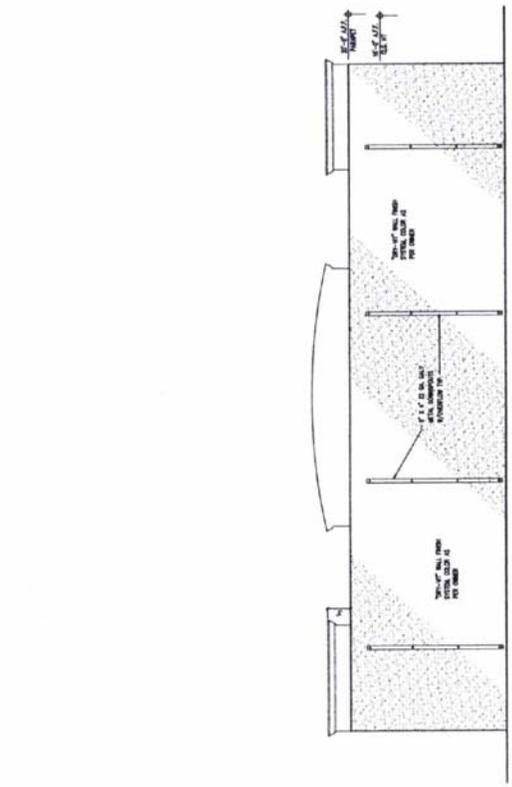
PROPOSED TENANT IMPROVEMENTS BUILDING AREA:
 BALLROOM 4,800 S.F.

PARKING REQUIREMENTS: BALL ROOM
 NEW BALLROOM AREA: 4,995 SQ. FT. PARKING REQ: 4,995/100 = 50 SPACES
 T.I. IMPROV'TS BALLROOM AREA: 4,800 SQ. FT. PARKING REQ: 4,800/100 = 48 SPACES

PARKING REQUIREMENTS: EXISTING BUILDING
 EXIST. OFFICE-WAREHOUSE AREA: 2,400 SQ. FT., 2,400/400 = 6 SPACES
 EXIST. RETAIL AREA: 1,200 SQ. FT., 1,200/200 = 6 SPACES
 EXIST. OFFICE/WAREHOUSE (VACANT) AREA: 3,800 SQ. FT., 3,800/400 = 6 SPACES

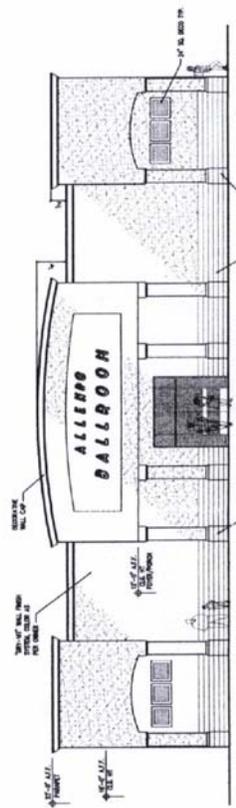
PARKING REQUIREMENTS:
 TOTAL PARKING REQUIRED = 119 SPACES
 TOTAL PARKING PROVIDED = 130 SPACES
 TOTAL BICYCLE PARKING PROVIDED = 6 SPACES

**EXHIBIT A
 PG. 1 of 3**



RIGHT SIDE ELEVATION/LEFT SIDE SIM
SCALE: 1/8" = 1'-0"

BACK SIDE ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"

EXHIBIT A
PG. 2 of 3

MEMORANDUM



DATE: June 11, 2009
TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: **ZON09-00020**

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Melina Castro

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson

The City Plan Commission (CPC) on May 21, 2009 voted **6-0** to recommend **APPROVAL** of the Special Permit and detailed site development plan to allow ballrooms in the C-3/c (Commercial/conditions) zoning district. The detailed site development plan shows a 4,800 square foot ballroom located within the existing shopping center and a freestanding 4,995 square foot ballroom with 130 parking spaces provided. Primary access to the site is via Montana Avenue and Limerick Drive. The following conditions were imposed by Ordinance No. 10111 dated May 29, 1990:

- The property shall not be used for the painting of automobiles, light trucks, or buses.
- Prior to the issuance of a certificate of occupancy, a minimum 10 foot wide landscaped strip must be provided along the rear property line adjacent to Lot 1, Block 1, Scotsdale Subdivision Unit Eight, except for that the 30 foot Southern Union Gas Company easement. This landscaped strip must consist of evergreen trees, 5 feet tall at the time of planting, spaced at 10 feet apart, and shall be properly maintained at all times by the property owner.
- Prior to the issuance of a certificate of occupancy, 5 foot wide sidewalks must be constructed along Montana Avenue, Limerick Road, and Lorne Road. The sidewalks to be constructed along Montana Avenue must align with the existing sidewalks in Lot 1, Block 1, Montana Building Supply Subdivision.

The CPC found that the Special Permit is in conformance with The Plan for El Paso. The CPC also determined that the Special Permit protects the best interest, health, safety, and welfare of the public in general; and the Special Permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was one letter in opposition to the request.

Attachment: Staff Report, Zoning Map, Aerial Map, Ordinance 10111 dated May 29, 1990, Detailed Site Plan, Elevations, Opposition Letter

Development Services Department

Victor Q. Torres - Director



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00020
Application Type: Special Permit
CPC Hearing Date: May 21, 2009
Staff Planner: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

Location: 10280 Montana Avenue
Legal Description: Lots 1 and 2, Block 1, John T. Hellard Subdivision, City of El Paso, El Paso County, Texas
Acreage: 3.897 acres
Rep District: 3
Zoning: C-3/c (Commercial/conditions)
Present Use: Shopping Center and Vacant
Request: Ballroom use in a C-3/c (Commercial/conditions) zoning district

Property Owners: John Hellard and Jesus Allen
Representative: Allen Construction

SURROUNDING ZONING AND LAND USE

North: C-4 (Commercial) / EPWU water storage tank
South: A-2/sc (Apartment/special contract) and C-1/sc (Commercial/special contract) / multi-family apartments and Personal Wireless Service Facility
East: C-3/sc (Commercial/special contract) / motorcycle and ATV sales
West: C-3/c (Commercial/conditions) / vacant

THE PLAN FOR EL PASO DESIGNATION: Mixed-use (East Planning Area)

NEAREST PARK: Tyrone Park (2,025 Feet)

NEAREST SCHOOL: Edgemere Elementary School (2,823 Feet)

NEIGHBORHOOD ASSOCIATIONS

Eastside Civic Association

NEIGHBORHOOD INPUT

Notices of the May 21, 2009 public meeting were mailed out to all property owners within 300 feet of the subject property on May 5, 2009. The Planning Division has received one letter in opposition to the special permit request.

APPLICATION DESCRIPTION

The property owners are requesting a special permit for ballrooms in a C-3/c (Commercial/conditions) zoning district. The following conditions were imposed by Ordinance No. 10111 dated May 29, 1990:

- The property shall not be used for the painting of automobiles, light trucks, or buses.
- Prior to the issuance of a certificate of occupancy, a minimum 10 foot wide landscaped strip must be provided along the rear property line adjacent to Lot 1, Block 1, Scotsdale Subdivision Unit Eight, except for that the 30 foot Southern Union Gas Company easement. This landscaped strip must consist of evergreen trees, 5 feet tall at the time of planting, spaced at 10 feet apart, and shall be properly maintained at all times by the property owner.
- Prior to the issuance of a certificate of occupancy, 5 foot wide sidewalks must be constructed along Montana Avenue, Limerick Road, and Lorne Road. The sidewalks to be constructed along Montana Avenue must align with the existing sidewalks in Lot 1, Block 1, Montana Building Supply Subdivision.

The detailed site development plan shows a 4,800 square foot ballroom located within the existing shopping center and a freestanding 4,995 square foot ballroom with 130 parking spaces provided. Primary access to the site is via Montana Avenue and Limerick Drive. The property owner was granted a waiver of the requirement for a six-foot masonry screening wall between the property and the adjacent A-2 (Apartment) zoning district on September 28, 2008 because an existing six-foot masonry screening wall already exists between the property and the A-2 (Apartment) zoning district.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The Development Coordinating Committee provides the following comments:

The DCC recommends **APPROVAL** of the special permit and detailed site development plan for ballrooms in a C-3/c (Commercial/conditions) zoning district.

PLANNING DIVISION RECOMMENDATION

Planning recommends **APPROVAL** of the special permit and detailed site development plan for ballrooms in a C-3/c (Commercial/conditions) zoning district.

The Plan for El Paso –City-wide Land Use Goals

All applications for special permit and detailed site development plan shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- c. Goal: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- d. Goal: preserve, protect, and enhance the integrity, economic vitality, and livability of the city's neighborhoods.
- e. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The application is in conformance with The Plan for El Paso because the proposed ballrooms are in conformance with the 2025 Projected General Land Use Map which designates the property for mixed-use land uses. The proposed ballrooms are compatible with the adjacent commercial, single-family, and multi-family development. The proposed layout includes shared parking agreements within the development, as well as providing enough spaces to capture all parking within the development.

Development Services Department - Building Permits and Inspections Division

Zoning: Proposed ballrooms allowed in C-3/c (Commercial/conditions) zoning district with a special permit. No violations of yard, off-street parking, and loading standards. Shall need to provide a six-foot masonry screening wall along the property line abutting the apartment district.

Landscaping: Landscaping meets the requirements of Section 18.46.

Development Services Department - Planning Division

Current Planning: recommends **APPROVAL** of the special permit and detailed site development plan for ballrooms in a C-3/c (Commercial/conditions) zoning district.

Land Development: The following will be required at the time of development:

1. ADA accessible sidewalks, wheel-chair ramp(s), and driveway(s).
2. Grading plan and permit will be required at the time of development.
3. Storm water pollution prevention plan and/or permit required at the time of development.

4. Drainage plans must be approved by the Development Services Department, Engineering section at the time of development.
5. Coordinate access with TXDOT.

Engineering Department - Traffic Division

No objections to the special permit and detailed site development plan for ballrooms in a C-3/c (Commercial/conditions) zoning district.

Fire Department

No opposition to the special permit and detailed site development plan for ballrooms in a C-3/c (Commercial/conditions) zoning district at this time.

El Paso Water Utilities

EPWU does not object to this request.

CITY PLAN COMMISSION OPTIONS

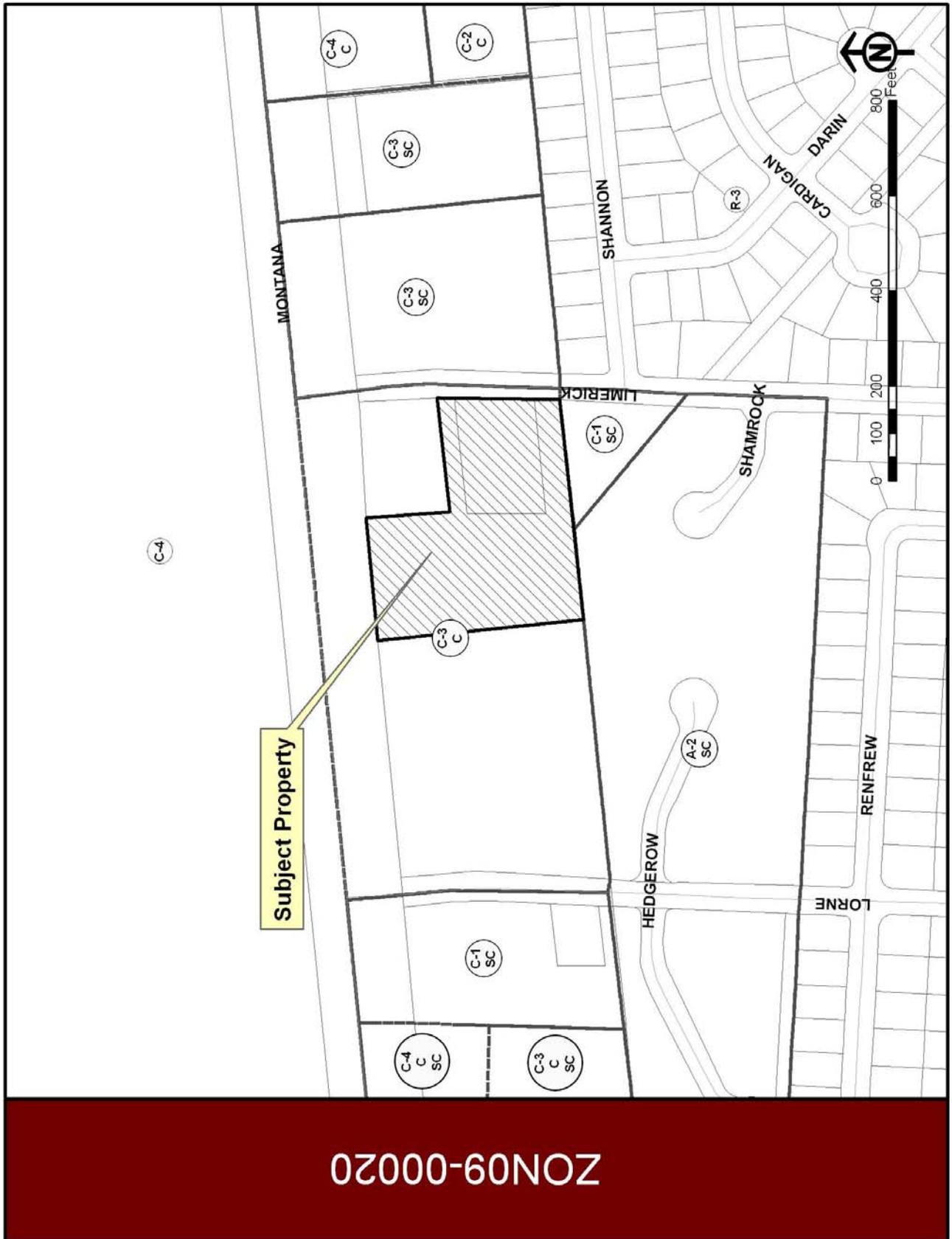
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of The Plan for 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 the special permit and detailed site development plan into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Zoning Map
2. Aerial Map
3. Ordinance 10111
4. Rockwall waiver letter
5. Detailed Site Development Plan
6. Elevations
7. Opposition Letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT2: AERIAL MAP



ATTACHMENT 3: ORDINANCE 10111

010111

AN ORDINANCE CHANGING THE ZONING OF
TRACT 1J, SEC. 39, BLOCK 80,
TSP 2, T&P RR. CO. SURVEYS
AND IMPOSING CERTAIN CONDITIONS.
THE PENALTY BEING AS PROVIDED IN
SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of Tract 1J, Sec. 39, Block 80, TSP 2, T&P RR. Co. Surveys, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential) to C-3 (Commercial) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to C-3 (Commercial), in order to protect the health, safety and welfare of adjacent property owners and the residents of the city:

1. The property shall not be used for the painting of automobiles, light trucks or buses.
2. Prior to the issuance of a certificate of occupancy, a minimum 10-foot wide landscaped strip must be provided along the rear property line adjacent to Lot 1, Block 1, Scotsdale Subdivision Unit Eight, except for the 30-foot Southern Union Gas Company easement. This landscaped strip must consist of evergreen trees, 5 feet tall at the time of planting, spaced 10 feet apart, and shall be properly maintained at all times by the property owner.
3. Prior to the issuance of a certificate of occupancy, 5-foot wide sidewalks must be constructed along Montana Avenue, Limerick Road and Lorne Road. The sidewalks to be constructed along Montana Avenue must align with the existing sidewalks in Lot 1, Block 1, Montana Building Supply Subdivision.

010111
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These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 29th date of May, 1990.

THE CITY OF EL PASO

[Handwritten Signature]

Mayor

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: J.R.

- 9-20-90 COUNTER
- 9-20-90 ORIGINAL
- 9-20-90
- 9-20-90 CONTROL

[Handwritten Signature]

ATTEST:

[Handwritten Signature]

APPROVED AS TO FORM:

[Handwritten Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Handwritten Signature]
Roy Gilyard
Department of Planning, Research and Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS

(SIGNATURES CONTINUE ON FOLLOWING PAGE) HAVE BEEN REVISED: J.R.

- 9-20-90 COUNTER
- 9-20-90 ORIGINAL
- 9-20-90
- 9-20-90 CONTROL

[Handwritten Signature]

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90
5565

ATTACHMENT 4: ROCKWALL WAIVER LETTER

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

VICTOR Q. TORRES
DIRECTOR

MATHEW S. MCELROY
DEPUTY DIRECTOR – PLANNING



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
MELINA CASTRO, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
September 26, 2008

John T. Hellard, President
IGIT Ltd
1535 Hawkins Boulevard, Suite D
El Paso, TX 79925

Re: Waiver of the requirement for an additional 6' Masonry Screening Wall at 10280 Montana Avenue

The Development Services Department–Planning Division has considered your request to waive the 6 feet rock wall requirement, due to already existing 6 feet rock wall between the apartment development and the commercial development, for the property numerically numbered as 10280 Montana Avenue and legally described as Being a Portion of Tract 1-J-3, Block 80, Section 39, Tsp 2, T & P Survey, El Paso, El Paso County, Texas, and the adjacent property, numerically numbered as 10200 Hedgerow and legally described as Lot 1, Block 1, Scotsdale Unit 8, El Paso, El Paso County, Texas.

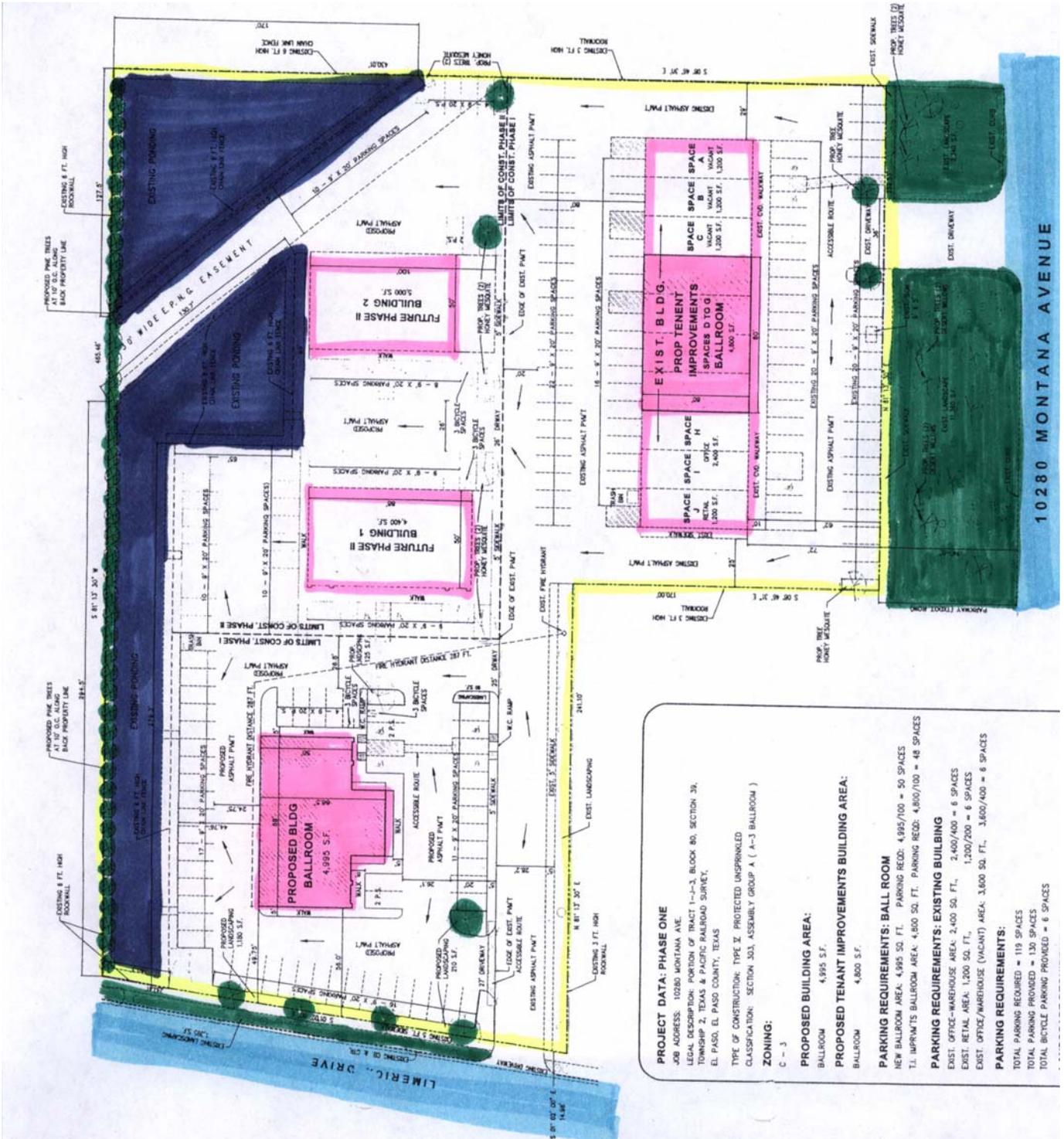
We recommend **APPROVAL** of the request to waive the requirement for an additional masonry wall (approximately 210 feet) due the already existing 210 feet of 6 feet high rock wall between the commercial and apartment districts.

Should you have any questions or require additional information, please contact the Development Service Department at (915) 541-4029.

Sincerely,

Linda Castle, Senior Planner

ATTACHMENT 5: DETAILED SITE DEVELOPMENT PLAN



PROJECT DATA: PHASE ONE
 JOB ADDRESS: 10280 MONTANA AVE.
 LEGAL DESCRIPTION: PORTION OF TRACT 1-2-3, BLOCK 80, SECTION 3A, TOWNSHIP 2, TEXAS & PACIFIC RAILROAD SURVEY, EL PASO, EL PASO COUNTY, TEXAS
 TYPE OF CONSTRUCTION: TYPE II, PROTECTED UNSPRINKLED
 CLASSIFICATION: SECTION 50A, ASSEMBLY GROUP A (A-3 BALLROOM)

ZONING:
 C - 3

PROPOSED BUILDING AREA:
 BALLROOM 4,995 S.F.

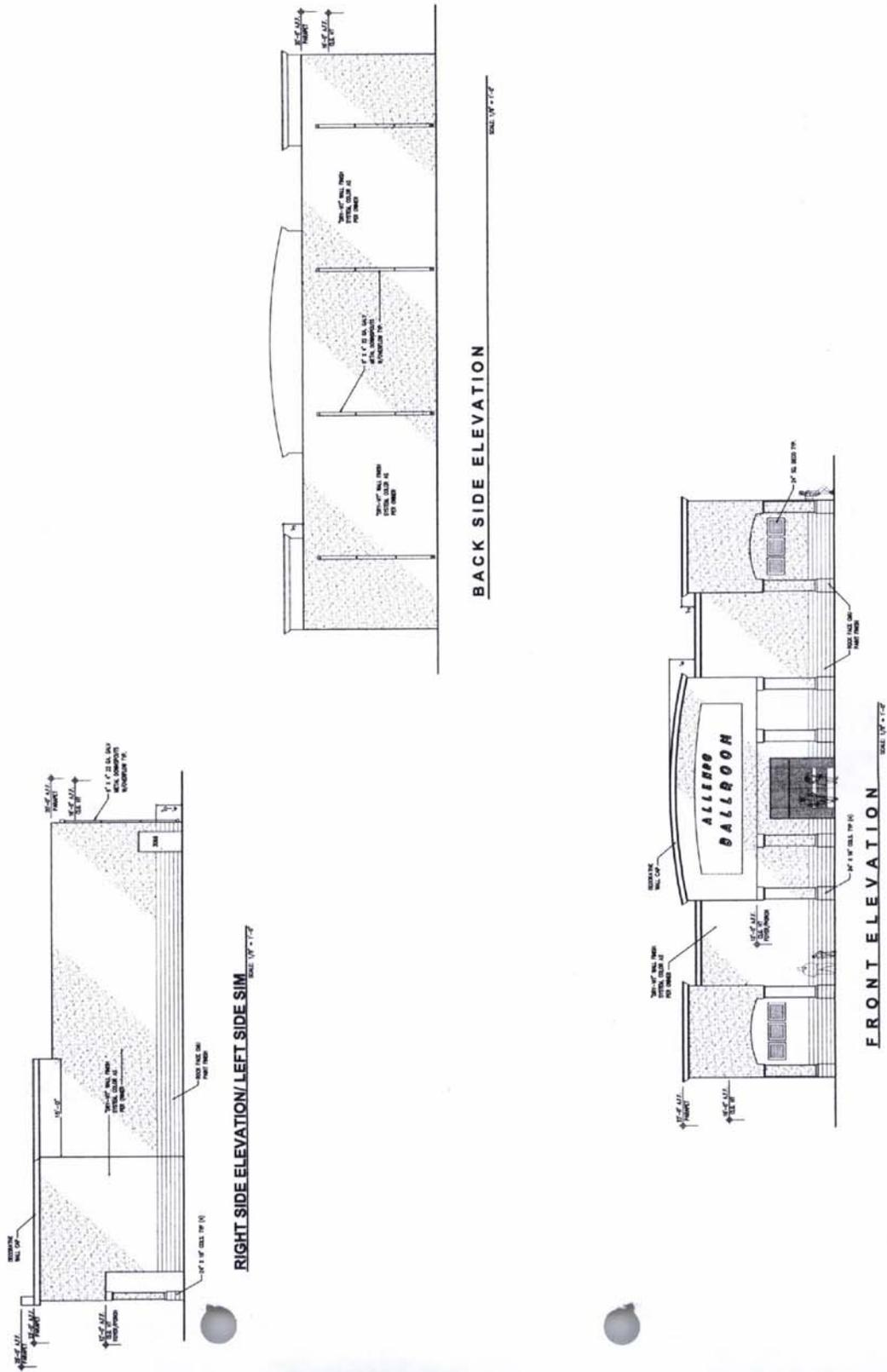
PROPOSED TENANT IMPROVEMENTS BUILDING AREA:
 BALLROOM 4,800 S.F.

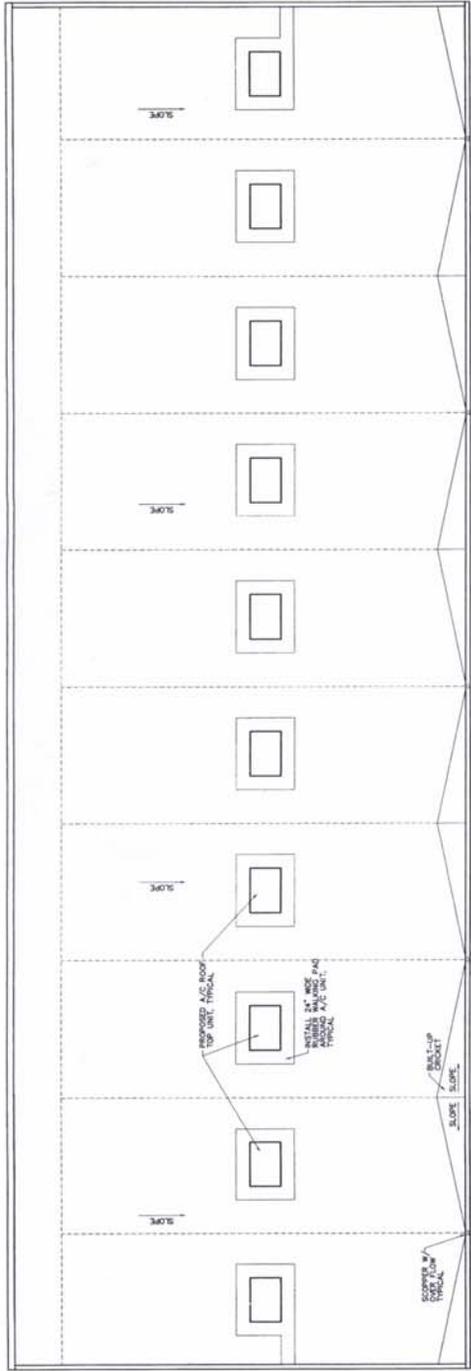
PARKING REQUIREMENTS: BALL ROOM
 NEW BALLROOM AREA: 4,995 SQ. FT. PARKING REQ: 4,995/100 = 50 SPACES
 T.L. IMPR'V'TS BALLROOM AREA: 4,800 SQ. FT. PARKING REQ: 4,800/100 = 48 SPACES

PARKING REQUIREMENTS: EXISTING BUILDING
 EXIST. OFFICE-WAREHOUSE AREA: 2,400 SQ. FT., 2,400/400 = 6 SPACES
 EXIST. RETAIL AREA: 1,200 SQ. FT., 1,200/200 = 6 SPACES
 EXIST. OFFICE/WAREHOUSE (VACANT) AREA: 3,600 SQ. FT., 3,600/400 = 6 SPACES

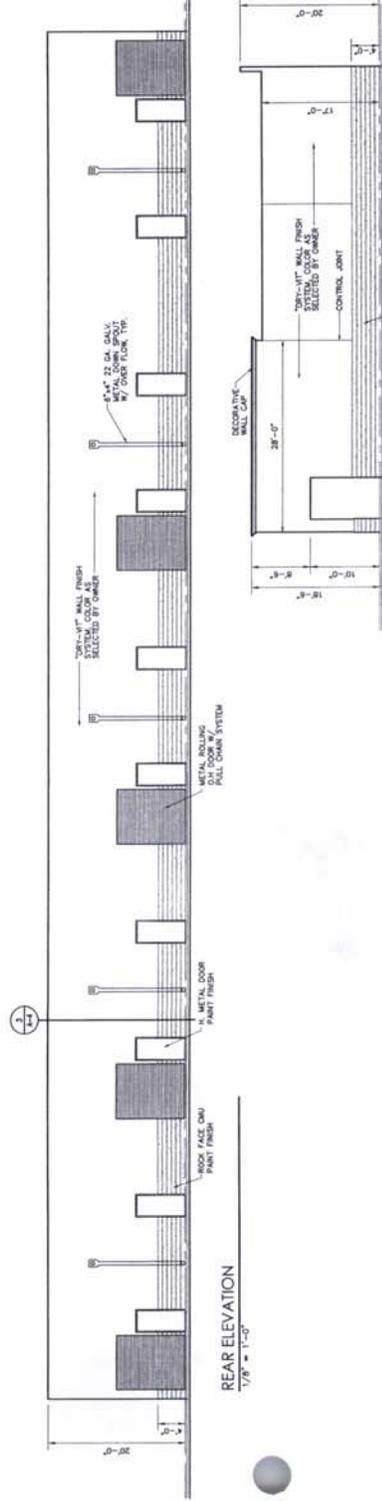
PARKING REQUIREMENTS:
 TOTAL PARKING REQUIRED = 119 SPACES
 TOTAL PARKING PROVIDED = 130 SPACES
 TOTAL BICYCLE PARKING PROVIDED = 6 SPACES

ATTACHMENT 5: ELEVATIONS



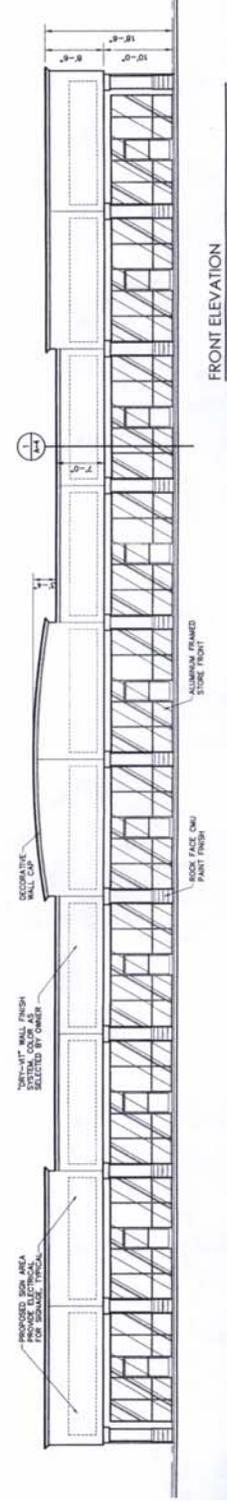


ROOF PLAN
SCALE: 1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"

RIGHT SIDE ELEVATION/ LEFT SIDE SIM.
1/8" = 1'-0"



FRONT ELEVATION
1/8" = 1'-0"

ATTACHMENT 7: OPPOSITION LETTER

Mr. Robert S. Muscroft Sr.



10305 Darin Road
El Paso, Texas 79925
U.S.A.

▶
Phone 915-472-2007
Fax 915-594-8438
Home Phone 915-594-8438
Email ourangel8896@sbcglobal.net

May 9, 2009

**Mr. Victor Q. Torres, Director
Development Services Department
2, Civic Center Plaza, Fifth floor
El Paso, Texas 79901**

FAX Number: (915) 541-4028

Dear Mr. Torres,

Since my days as Chairman, on the Historic Landmark Commission, I do not know who presently is serving on the City Planning Commission, so I will address my comments to you, and request you forward them to the appropriate individuals, on the Planning Commission. Thank you.

This letter is to file opposition to Case No. ZON09-00020, which is to be heard on May 21, 2009, at City Hall Building 2nd Floor, City Council Chambers. Because of my disabilities, and past surgeries, my mobility become very limited, and I may not be able to attend your meeting scheduled, so I will avail myself of this method, of placing my views and opposition, before the Commission. I am a 100% disabled veteran, and walking sometimes is very painful.

I received, a copy of your notification to my neighbor, addressing a proposed Special permit request from a John Hellard, and Jesus Allen, and wish to submit the following rebuttal to any approval of said request.

(2)

It should be noted that long before your notification was sent to my neighbor, and denied to many other in this area. The requesters had already place a large sign telling the public, what was planned, without any input from adjoining property owners. So the rights of many from the beginning were being denied, for self interest groups.

To begin with, perhaps the requesters should consider building their so called ballroom, which many can show, at first when on the major thoroughfare, is the beginning of some seedy bar, with its seedy patrons, on the street where they live which is known from the Central Appraisal District records. They might not appreciate what their neighbors might say, or do.

It also should be pointed out, that the property in question is directly behind several new businesses, which do not offend, or cause any type of problems. At night what will their fate be ?

Will we see more crime, and a increase of burglaries, and possible deaths to innocent people. by the perpetrators, of such acts, and will the adjoining property owners have to bear arms to protect themselves, and their neighbors from crime, and abuse. If so tell the requesters many people are ready, and will protect themselves.

We only have to look around Montana, and Hawkins, to see that first you have a strip mall, then alcohol enters the scene, followed by drugs, environmental hazards, and other objectionable influences, such as urinating, and passing waste around, and on private homes, for the owners to clean, and pick up before some small innocent child, or animal becomes exposed to the health hazards.

The next thing that is noted is the fact, that there is only one small entrance, and exit to the area in question, which would cause a great deal of off site parking, around the proposed buildings, which could lead to additional accidents, and perhaps even deaths, on a very narrow street like Limerick.

Depending on what was being held, this could cause parking to extend into the residential area, where many small children live, and play, at all hours under supervision, exposing them to the garbage left by the rejects, What are we to do ? Wake up and first thing check the area for used needles, and pills, before a child is permitted outside. I think not, because that child also has rights to be secure, and safe, in its person, by law.

The next consideration for denying this request is noise pollution, which directly could affect many living in the Public Housing, and other adjoining properties, which directly would adjoin the area in question. Because a person is poor, and lives in such projects, does not mean they do not have the same rights under law, that the rich and phonies do. The City of El Paso has a duty, to protect the rights, of the many living in the projects, from noise, and trash, which they require everyone else to uphold, so what about the poor therein.

They too do have rights, and their rights should not be abused, for self gains of a worthless suspect few. There is no actual proof how such pollution would be eliminated, to save many children, disabled, and elderly from the noise abuse that would be generated. Will we have to bear arms and defend ourselves from such abuse. As it now stands our suspect Police Department does nothing, as can be proven. They are more concern, in beating some innocent person on the freeway, who is trying to expose problems there.

Since we are in a quiet area, what assurance does anyone have that such an operation would assure the people living in the adjoining properties, that our rights not to have horns and other noise makers going off all night creating a very disabling factor, will not occur. Please have them present fact, not garbage hearsay.

Many people in this area are very old, and simply want peace and quiet, which would not occur if this building is permitted to be built. Additionally many would have to pick up the trash, and garbage left cluttering our homes, and streets, to satisfy some suspect operator. Remember we do have high winds in El Paso.

You know, as many do, as reported in the local news media, that other operators of such businesses, cannot control the abuse made by their customers, of damage to property, which could find many people protecting their properties by using deadly force, as is permitted in law, and the blame could be placed back on the members of the Commission approving the request. Are they ready to accept the fate which could be theirs, of their own making.

Decent men, and women do not want others passing waste, and urinating on their property or streets, creating a health hazard, which could occur. Nor do they want the garbage exposing themselves to small children and women. Should such acts occur on my property, just call a van to pick up what is left, when caught.

As to traffic congestion in the area, Limerick, is a two lane street not a super highway, and the street is not made for a high volume of vehicles, and the requesters could not provide for any large volume of vehicles. Which would place many at risk of accidents, and even death. all now uncalled for. Denial of the request may come to save many.

(5)

One only has to look at other Eastside areas, where such building has occurred, to see that drunks and other suspect types do not have any respect for the property of others. I do not want a drunk or other type degenerate parking in front of my home, using the front of my home, as a toilet, and trash drop off point for their garbage. Before they try, the requesters should be made aware of the fact that I do have dogs that will attack, and now they are aware of the fact. So please don't place everyone in this area at great risk of damage, and abuse, to satisfy some odd operators.

In the adjoining properties there are many sick, elderly, and disabled people, who if this is approved, would be in great harms way, which could be place at the feet of Commission members. Are they ready to assume the expense, and liability ?

Please advise so I may begin keeping documentation. This could cause the same people to possible harm, and danger, of life threating conditions to just walk in front of their own homes on their own property.

As stated before there are many children in the area to include the many found in the Apartments of the Housing Authority, located directly next to the property in question, who also have equal rights to have a peaceful living standard, which such an establishment would destroy.

We do not need blocked street, possible guns, and other harmful tools in the hand of who knows what, cursing our streets, causing additional accidents, that could cost the life of a small innocent child by some drunk, and we don't need the front of our homes becoming a trash pick up point and disposal, and a toilet to the rejects of El Paso, as has occurred in other section of East El Paso. We also don't need the possibility of some ass, breaking into a home, high on who knows what, that the ballroom, might draw, hurting many, children and women therein. with hideous acts.

(6)

Once and for all please tell these individuals we don't want them in our area, and while we may not be the richest in El Paso, we still have rights. Let the suspect operators take their suspect business outside El Paso, where they can have all they want, or put it next to their homes, and see how they like the abuse of their customers.

Where boose could enter the picture and one elderly person is struck and killed by a drunk, or one child hurt or killed is one too many. and that does not include property damage. While the requesters may have business rights, the majority or the public if you wish, has greater and more rights, and I now request the rights of the general public be upheld, or the City of El Paso may find themselves in many law suits.

Simply put, my wife and I are in our late seventies, and early eighties, and are 100 % disabled, and cannot move quickly. so are we to become a target to the congestion, noise, filth of a few, and speeders who might want to use our streets as a race track, or will our rights to be safe, and secure in our homes and lives, be upheld, or will we be denied when someone is paid off again, as history will show does occur, in El Paso Governments. Just look at the completed indictments, and cases in our local federal courts. Payoffs do occur.

We don't need or want lacking moral, and ethical standards in our area, so some suspect person, can make a quick buck, at the expense of the elderly, disabled, small children, and women.

Some are trying to enter our area today with their suspect activities, no matter what they call them, so I will ask. " Is your area of town next for their activities ? " We don't want them to destroy what little we may have, so please tell them " NO DEAL " and " GOOD BYE ".

(7)

I attempted to examine all the uses permitted in Title 20 Zoning of the Municipal code, but could not enter the code. From what I could find out, this type of business does not exist in C-3 Zoning and should not be permitted for the sake of many.

Thank you for taking the time to consider my views, and hopefully you will understand my concerns and comments, and not be taken by phony claims and worthless promises. I do not oppose anyone having a business. I do oppose small children, the disabled, elderly, and innocent women being exposed to harm, and danger, which could occur from this type of business, and I do oppose the objectionable influences and acts of those who might be drawn to such a business, Which we know does occur.

Should children, women, and the disabled be placed at risk to satisfy someone's greed, along with other possible crimes. I think not, so please give the majority in this area a positive vote, and send the requesters away. Thank you.

Respectfully submitted,



Robert S. Huscroft Sr.

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