

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

DEPARTMENT: Development Services Department

AGENDA DATE: Introduction: August 1, 2006
Public Hearing: August 22, 2006

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 6

SUBJECT:

An Ordinance granting Special Permit No. Zon06-00040, to allow for a dance hall on the property described as a portion of Lots 11 and 12, Lafayette Place, El Paso County, Texas, pursuant to Section 20.38.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 8050 and 8052 North Loop Drive. Applicant: Arturo Martinez, Bertha Martinez, Alicia Martinez. ZON06-00040 (District 6)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Alan Shubert

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00040, TO ALLOW FOR A DANCE HALL ON THE PROPERTY DESCRIBED AS A PORTION OF LOTS 11 AND 12, LAFAYETTE PLACE, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.38.040 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

WHEREAS, Arturo Martinez, Bertha Martinez, and Alicia Martinez, have applied for a Special Permit under Section 20.38.040 of the El Paso City Code to allow for a dance hall; and,

WHEREAS, the requirements of Section 20.38.040 have been satisfied; 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, except to the extent waived by City Council, the application conforms to all requirements of Section 20.04.320.D 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, and more particularly described in the metes and bounds in the attached Exhibit "A", is in a C-2 (Commercial) District;

A portion of Lots 11 and 12, Lafayette Place, El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Section 20.38.040 of the El Paso City Code so that a dancehall may be permitted 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-2 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicants, the City Manager and the Executive Secretary to the City Plan

Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

4. That if at any time the Applicants fail to comply with any of the requirements of this Ordinance, **Special Permit No. ZON06-00040** shall be subject to termination; construction or occupancy shall be discontinued; and the Applicants shall be subject to the penalty provisions of Chapter 20.68 and any other legal or equitable remedy; and,

5. That the Applicants 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 _____, 2006.

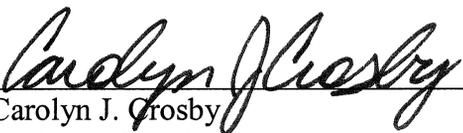
THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

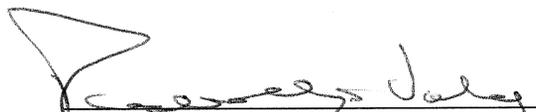
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

AGREEMENT

Arturo Martinez, Bertha Martinez, and Alicia Martinez, 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-2 (Commercial) Districts regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 21 day of July, 2006.

[Signature]
Arturo Martinez
[Signature]
Bertha Martinez
[Signature]
Alicia Martinez

ACKNOWLEDGMENT

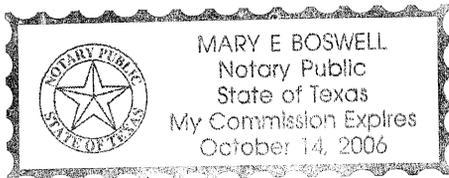
THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 21 day of July, 2006, by Bertha Martinez on behalf of **Arturo Martinez, Bertha Martinez, and Alicia Martinez**, as Applicants.

My Commission Expires:

[Signature]
Notary Public, State of Texas
Notary's Printed or Typed Name:

MARY E. BOSWELL



BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

1450 Pendale Road, Suite "B" El Paso, Texas 79936 Ph.(915) 591-5709 Fax(915) 591-5706

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lots 11 and 12, Lafayette Place (filed in Volume 01, Page 48, Plat Records of El Paso County, Texas), an addition to the city of El Paso, El Paso County, Texas, and is more particularly described by this metes and bounds as follows:

BEGINNING at a point on the westerly right-of-way line of North Loop Road, said point being the southerly corner as called for in Deed filed in volume 3155, page 932, said point also being the **POINT OF BEGINNING** for this description;

THENCE, S 55°49'13" E, along the said right-of-way line, a distance of 8.82 feet to a point;

THENCE, N 61°22'49" E, along said right-of-way line, a distance of 49.38 feet to a point;

THENCE, S 49°54'05" E, along said right-of-way line, a distance of 96.30 feet to point on the northerly right-of-way line of an abandoned road;

THENCE, along said right-of-way line the following four(4) courses:

S 59°11'00" W, a distance of 111.93 feet to a point;

S 67°04'00" W, a distance of 137.70 feet to a point;

S 78°30'00" W, a distance of 236.85 feet to a point for the common line for Lot 11 and 12, Lafayette Place;

S 61°50'00" W, a distance of 63.15 feet to a point;

THENCE, N 56°00'00" W, a distance of 2.55 feet to a point ;

THENCE, N 37°40'00" E, along the northerly line as called for in Deed in volume 2234, page 426, a distance of 303.45 feet to a point ;

THENCE, S 56°00'00" E, a distance of 130.88 feet to a point;

THENCE, N 40°38'00" E, a distance of 145.23 feet to the **POINT OF BEGINNING** of the herein parcel being described, containing 1.23 acres of land more less.

NOTES:

1. A Parcel Plan of even date accompanies this description.
2. Bearings recited herein are based on the centerline monument for North Loop Road..
3. Not a ground survey.

Benito Barragan TX R.P.L.S. 5615, July 18, 2006.

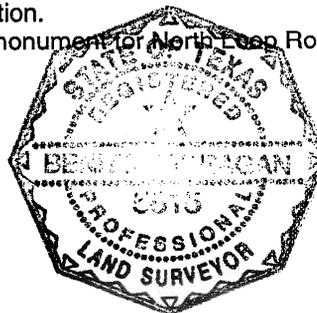
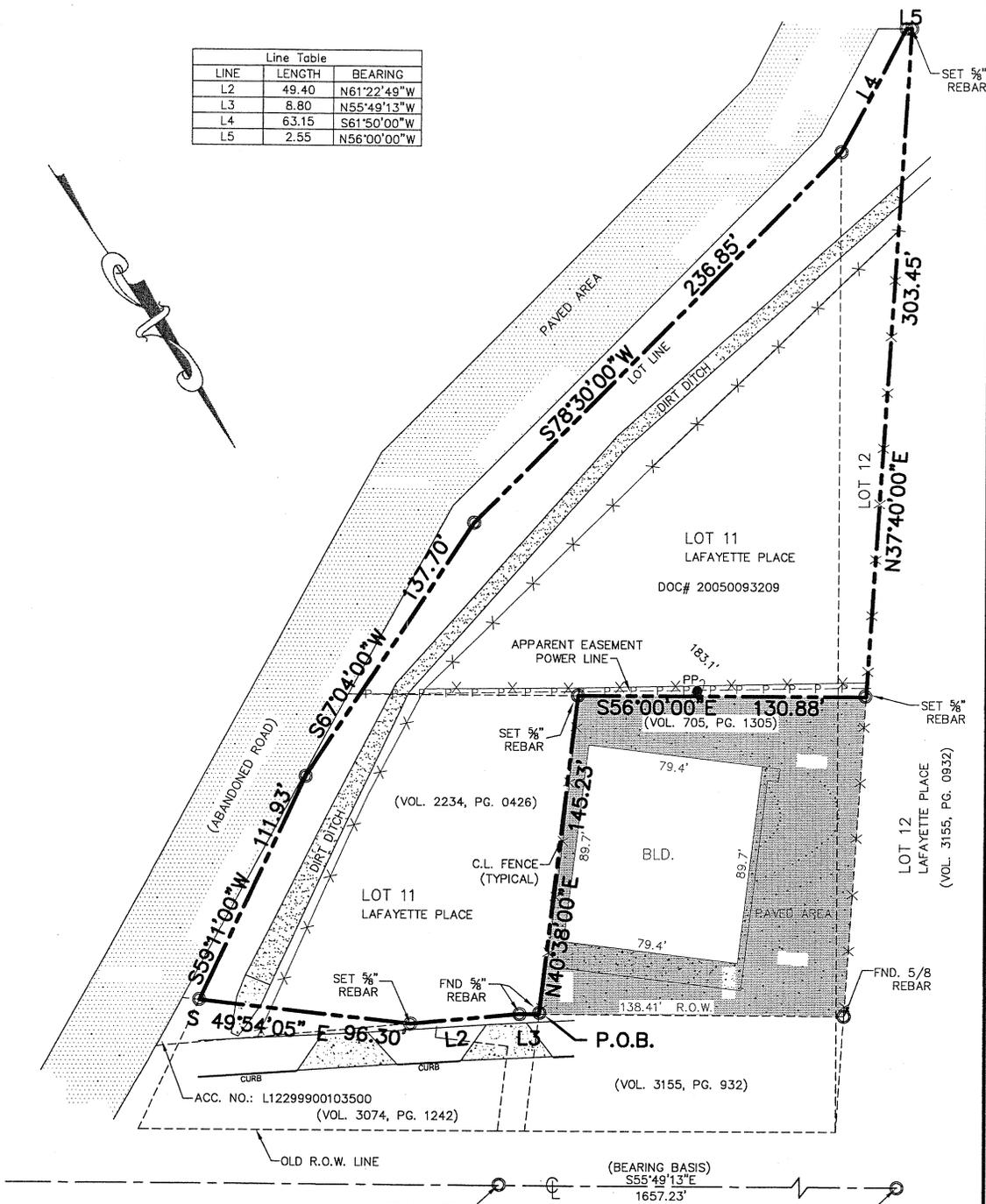
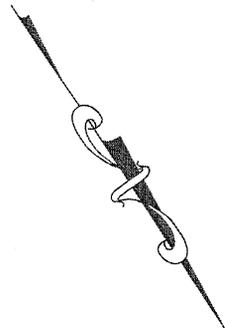


EXHIBIT "A"

| Line Table | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L2 | 49.40 | N61°22'49"W |
| L3 | 8.80 | N55°49'13"W |
| L4 | 63.15 | S61°50'00"W |
| L5 | 2.55 | N56°00'00"W |



N O T E:

1. THIS PROPERTY LIES WITHIN FLOOD HAZARD ZONE "AH", AS DESIGNATED BY THE F.I.A. FLOOD INSURANCE RATE MAP, CITY OF EL PASO, OCTOBER 15, 1982, COMMUNITY No. 480214, PANEL NUMBER 45 B
2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR LAFAYETTE PLACE
3. NOT A GROUND SURVEY
4. THIS SURVEY WAS DONE AS REQUESTED BY THE OWNER.

TEXAS DOT BRASS CAP

**8050-8052
N. LOOP DRIVE
(120' R.O.W.)**

TEXAS DOT BRASS CAP

Barragan & Associates

LAND PLANNING & SURVEYING
1450 Pendale Drive Suite B - El Paso Tx 79936
Phone (915) 591-5709 Fax (915) 591-5706
E-mail barragan@sbcbglobal.net

Parcel Plan

BEING A PORTION OF LOTS 11 AND 12, LAFAYETTE PLACE, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 1.23 ACRES ±

Plat reference vol/bk 1 pages 48
Scale 1"=60' Date 07/18/06 Drawn by RT

Beate Barragan, R.P.L.S. Tex., No. 5615
Job No. 051020-10 Copy Rights ©

EXHIBIT "A"

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

DEVELOPMENT SERVICES PLANNING DIVISION

July 21, 2006

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Christina Valles, Senior Planner

SUBJECT: ZON06-00040

The City Plan Commission (CPC), on May 18, 2006, voted (6-0) to recommend **APPROVAL** of of this special permit request to permit a dance hall, concurring with Staff's recommendation.

The CPC found that this special permit request is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this special permit request is in the best interest, health, safety and welfare of the public in general; and that a dance hall is compatible with adjacent land uses.

A neighboring property owner appeared at the CPC meeting in opposition to this request.

Attachment: Location Map, Aerial Map, Site Plan.

STAFF REPORT

Special Use Permit #: ZON06-000040

Property Owner(s)/Applicant(s): Arturo Martinez, Bertha Martinez, Alicia Martinez

Representative(s): Arturo Martinez, Bertha Martinez

Legal Description: A portion of Lots 11 and 12, Lafayette Place

Location: 8050 and 8052 North Loop Drive

Representative District: # 6

Area: 1.79 Acres

Zoning: C-1 (Commercial)

Existing Use: Vacant

Proposed Use: Dance Hall

Recognized Neighborhood Associations Contacted: N/A

Surrounding Land Uses:

| | |
|----------------|---|
| North - | R-3 (Residential), C-3/sc (Commercial/special contract), C-4 (Commercial) / Retail, Multi-family Residential, Single-family Residential |
| South - | C-1/sc (Commercial/special contract) / Retail, Restaurant |
| East - | C-1/sc (Commercial/special contract) / Retail, Restaurant |
| West- | A-2/sp (Apartment/special contract), R-F (Ranch/Farm) / Church, Single-family Residential |

Year 2025 Designation: **Commercial** (Mission Valley Planning Area)

**CITY PLAN COMMISSION HEARING, MAY 18, 2006,
4:00 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Special Use Permit: ZON06-000040

General Information:

The applicant is requesting a special permit to allow a dance hall. The property is currently zoned C-1 (Commercial). The site is currently vacant and is 1.79 acres in size. The proposed site plan shows a new 7500 square foot building to be located on the site. Access is proposed via North Loop Drive with sixty-three (63) parking spaces to be provided. There are no zoning conditions currently imposed on this property.

There is a related application (ZON06-00040) in process in order to rezone the subject property to C-2 (Commercial).

Information to the Commission:

The Planning Division has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this special permit request.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **Mission Valley** Planning Area designates this property for **Commercial** land uses.

C-2 (Commercial) zoning permits a dance hall by special permit.

The Commission must determine the following:

- A. Will the special permit for a dance hall zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will a dance hall be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the City’s Comprehensive Plan?
- D. What effects will the special permit have upon the natural environment, social and economic conditions, and property values in the vicinity and in the city as a whole?

Information To The Applicant:

Development Services Department – Planning Division Notes:

Recommend approval of this request based on the Plan for El 2025 Paso Projected General Land Use Map.

Development Services Department - Building Permits and Inspections Division Notes:

Zoning: Dance hall permitted on C-2 (Commercial) district. Meets minimum yard and lot standards. Proposal indicates 63 parking spaces, shall require one per one hundred square feet of floor area-does not apply to accessory uses. Need to break down square footage to include accessory uses to determine compliance with parking requirements. Also, shall need to provide a 6 ft. masonry screening wall abutting apartment zoned district.

Development Services Department - Land Development Division Notes:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
2. Grading plan and permit shall/may be required.*
3. Storm Water Pollution Prevention plan and/or permit shall/may be required.*
4. Drainage plans must be approved by the Land Development-Engineering Section.*
Landscaping shall not be placed within the ponding areas.
5. Coordination with TXDOT.*
6. Additional Comments: Site location is not located within a Special Flood Hazard Area, Flood Zone(s) X, Panel 480214 0045 C.
* This requirement will be applied at the time of development.

Engineering Department - Traffic Division Notes:

1. Detailed Site Plan shall be submitted showing engineer's seal.
2. Surface on parking area shall be upgraded to City's standards.

El Paso Water Utilities Notes:

Water: There is an existing 12-inch diameter water main along the south side of North Loop fronting the property.

Previous water pressure readings from a fire hydrant located on North Loop Drive, 325-feet east of Lafayette Drive have yielded a static pressure of 128 pounds per square inch (psi), a residual pressure of 116 psi, a pitot pressure of 75 psi, at a discharge of 1453 gallons per minute.

A private water pressure regulating device may be required at the discharge side of the water meter.

Sanitary Sewer: There is an existing 12-inch diameter sanitary sewer main along the south side of North Loop fronting the property.

General: Our records indicate that there are three (3) vacant water meter connections (1-yard meter and 2-domestic), located at 8050 North Loop and 8052 North Loop.

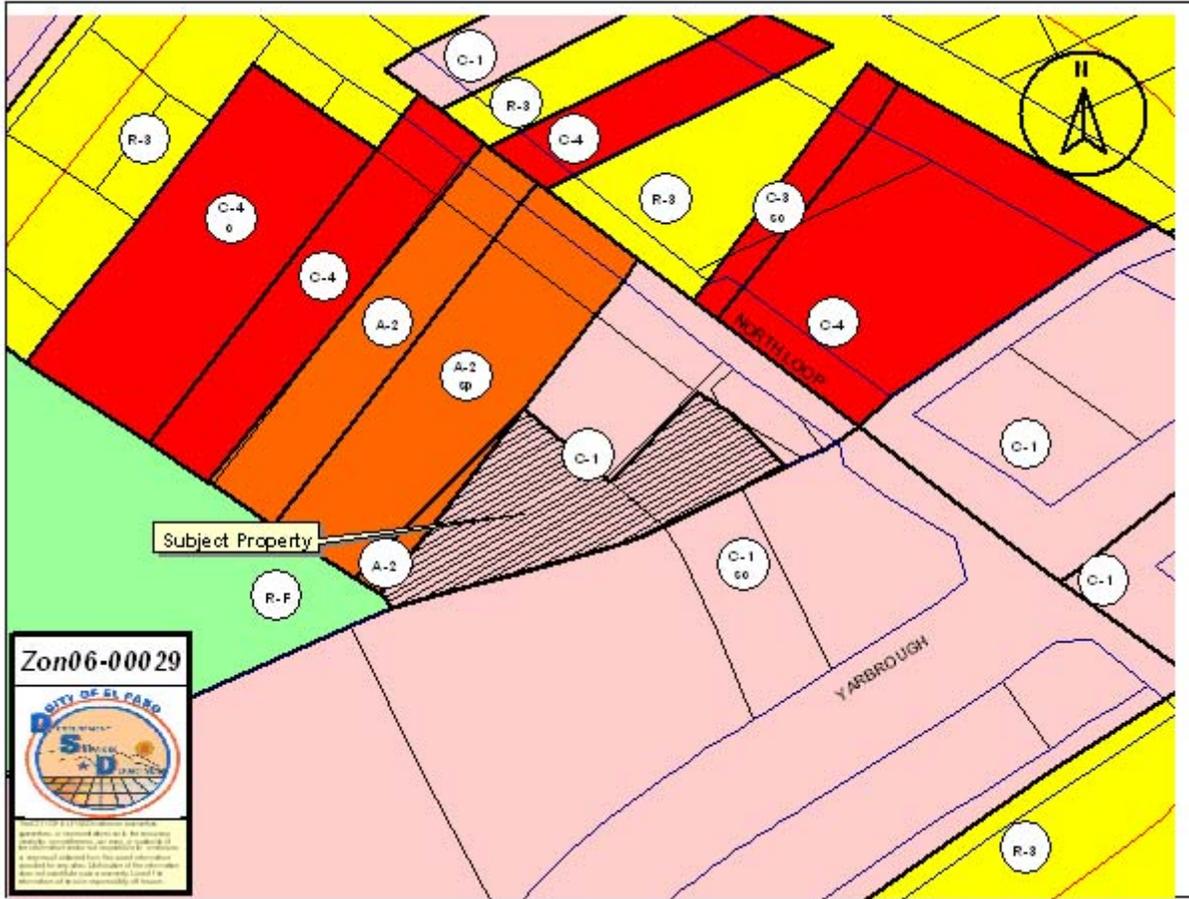
Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances

EPWU does not object to this request.

ATTACHMENT: Site Plan; Location Map.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



SITE PLAN

