

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

DEPARTMENT: Development Services Department

AGENDA DATE: Consent Agenda: September 16, 2008

CONTACT PERSON/PHONE: Mirian Spencer, (915) 541-4192, spencermd2@elpasotexas.gov

DISTRICT(S) AFFECTED: 6

SUBJECT:

A resolution approving a detailed site development plan for a portion of Lot 18, Block 2, Montwood Heights Unit Four, City of El Paso, El Paso County, Texas, pursuant to a condition imposed by Ordinance No. 011446. The penalty is as provided in Chapter 20.24 of the El Paso City Code. Subject property: 12410 Montwood Drive Applicant: Dance Spirit, LLC. ZON08-00051 (District 6)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

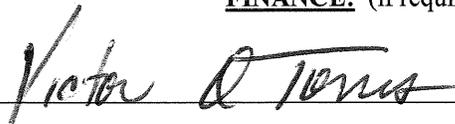
Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (6-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres



APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

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3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **C-1/c (Commercial/conditions) District**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

ADOPTED this _____ day of _____, 2008.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Development Services Department

(Agreement on following page)

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DEVELOPMENT AGREEMENT

By execution hereof, I, DENISE LOPEZ, in my legal capacity for **Dance Spirit, LLC**, ("Applicant"), identified in the above Resolution, hereby covenant and agree, on behalf of **Dance Spirit, LLC**, to develop the above described property in accordance with the approved Detailed Site Development Plan and in accordance with the standards applicable to the **C-1/c (Commercial/conditions) District** located within the City of El Paso.

EXECUTED this 28th day of August, 2008.

DENISE LOPEZ, PRESIDENT
Name/Title

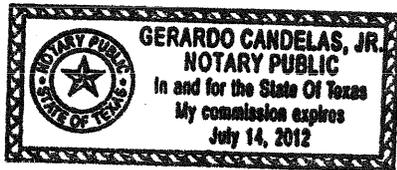
Denise Lopez
Signature

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 28th day of August, 2008, by DENISE LOPEZ, in his legal capacity on behalf of **Dance Spirit, LLC**.

My Commission Expires: July 14, 2012



Gerardo Candezas Jr.
Notary Public, State of Texas
Notary's Printed or Typed Name:
GERARDO CANDEZAS JR.

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BARRAGAN & ASSOCIATES

Land Planning & Land Surveying

109500 Pelicano Drive, Building "F", El Paso, Texas 79935

Ph. (915) 591-5709

Fax (915) 591-5706

METES AND BOUNDS DESCRIPTION

Description of a 1.00 acre tract out of a 2.0 acre tract field in Document No. 20040064062, Deed Records of El Paso County, Texas, and being a portion of Lot 18, Block 2, Montwood Heights Unit Four, (filed in volume 71, page 23, Plat Records of El Paso County, Texas) City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a city monument at the intersection of Desert Sun Drive and Montwood Drive; THENCE, N 89°29'00" E, along the centerline of Montwood Drive, a distance of 368.65 feet to a point; THENCE, S 00°31'00" E, leaving said centerline, a distance of 30.00 feet to a set 5/8" iron pin on the southerly right-of-way line of Montwood Drive, said rebar also being the "POINT OF BEGINNING" of this parcel;

THENCE, N 69°29'00" E, along said right-of-way line, a distance of 161.35 feet to a set 5/8" rebar for corner, said rebar being the northeasterly corner for said 2.0 tract;

THENCE, S 00°31'00" E, along the easterly line of said 2.0 acre tract, a distance of 270.00 feet to a set nail for corner on the southerly line for said Lot 18, Block 2;

THENCE, S 69°29'00" W, along said lot line, a distance of 161.35 feet to a set nail for corner;

THENCE, N 00°31'00" W, a distance of 270.00 feet to the "POINT OF BEGINNING" of the herein parcel being described, containing 1.00 acres of land more less.

NOTES:

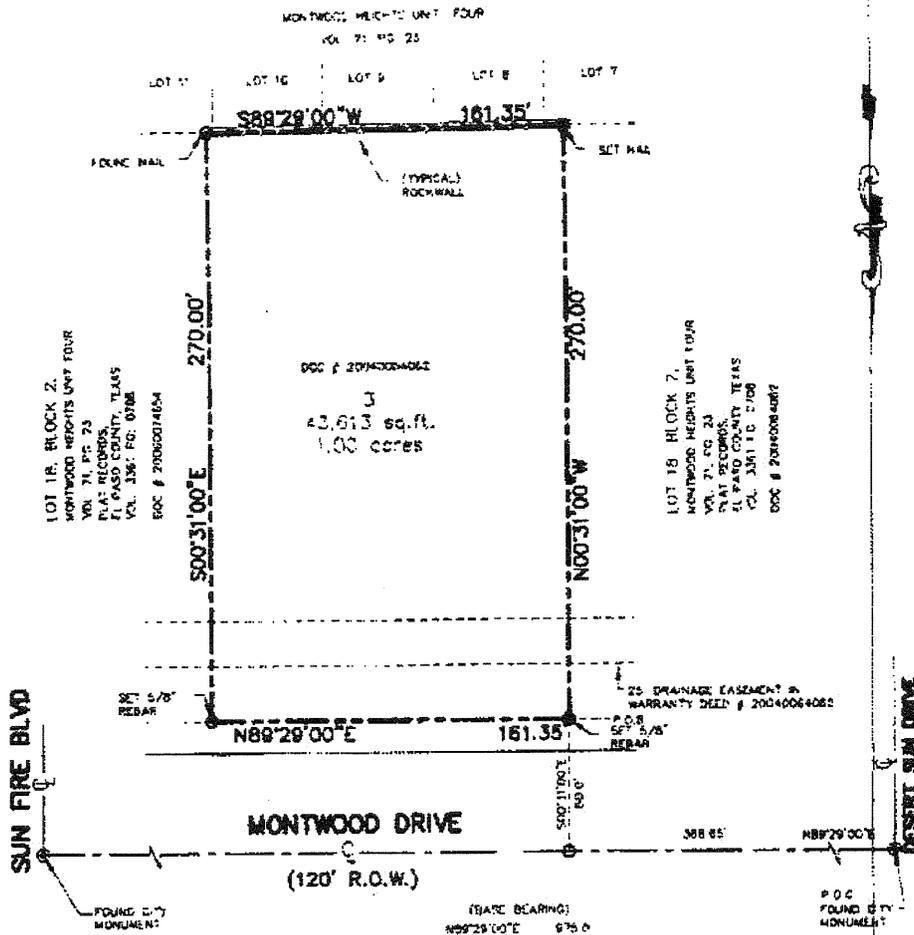
1. A Plat of Survey of even date accompanies this Description.
2. Bearings recited herein are based on the filed plat for Montwood Heights Unit Four
3. This property may be subject to easements of record.

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Benito Barragan
Benito Barragan, T.K.R.P.L.S. No. 5615, 3/04/08
12410 Montwood-b



EXHIBIT A
PG 1 of 2



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- NOTE**
1. SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "A" AREA OF MINIMAL FLOODING, PER FIRM PANEL NUMBER 2500, LAST REVISION DATE 8/24/08. THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.
 2. BEARINGS SHOWN ARE BASED ON THE FILED PLAT FOR
 3. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS WHETHER OF RECORD MONTWOOD HEIGHTS UNIT FOUR.
 4. THE PROPERTY OWNERS ARE SOLELY RESPONSIBLE FOR COMPLYING WITH ALL TITLE COMMITMENT PROVISIONS AND CONFIRMING THE SIZE AND USE OF ALL RECORDED EASEMENTS PERTAINING TO THIS PROPERTY, IN SPITE OF THE ACCURACY OR DEFECTS OF THIS PLAT.
 5. A WRITTEN DESCRIPTION OF EVERY DATE OR CONTAINES THIS PLAT.

RECORDED 2/29/05 12410 MONTWOOD DRIVE

<p>Barragan & Associates LAND PLANNING & SURVEYING 10050 Patmore Dr. Building-1, El Paso, Tx. 79925 Phone (915) 581-5709 Fax (915) 581-5705</p>	<p align="center">PLAT OF SURVEY</p> <p align="center">BEING A PORTION OF LOT 18, BLOCK 2 MONTWOOD HEIGHTS UNIT FOUR AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS. AREA 1.00 ACRES ±</p> <p align="center">Plat reference vol/pt. 71 page 23</p> <p align="center">Scale 1"=60' Date 2/16/08 Drawn by D.E.</p>	<p align="center">PREPARED BY AND UNDER THE SUPERVISION OF:</p> <p align="center">Sergio Barragan, Surveyor No. 5615</p> <p align="center">20080212-08 Copy Rights ©</p>
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EXHIBIT A
PG 2 of 2



**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
MEMORANDUM**

DATE: September 3, 2008
TO: The Honorable Mayor and City Council
Joyce Wilson, City Manager
FROM: Mirian Spencer, Planner
SUBJECT: ZON08-00051

The City Plan Commission (CPC), on July 31, 2008, voted (6 to 0) to recommend **APPROVAL** of the detailed site development plan, in agreement with staff and the Development Coordinating Committee.

The request for a detailed site development plan to be reviewed by the City Plan Commission and the Mayor and City Council is to satisfy the conditions imposed on the property by Ordinance 011446, dated June 22, 1993. The applicants are also required to provide a 10' wide strip of landscaping along Montwood Drive, and structures of no more than 2½ stories or 35' in height, whichever is greater. The applicant is proposing to construct a 10,911 sq. ft. dance studio at a height of 25'. Access is provided via Montwood Drive with 60 parking spaces being provided.

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 the detailed site development plan is in the best interest, health, safety and welfare of the public in general; and that a dance studio is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.

Attachment: Staff report, location map, aerial map, detailed site development plan.

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City of El Paso – City Plan Commission Staff Report

Case No: ZON08-00051
Application Type Detailed Site Development Plan Review
CPC Hearing Date July 31, 2008
Staff Planner Mirian Spencer, (915) 541-4192, spencerm2@elpasotexas.gov

Location 12410 Montwood Drive
Legal Description A portion of Lot 18, Block 2, Montwood Heights Unit Four
Acreage 1.00
Rep District 6
Existing Use Vacant
Existing Zoning C-1/c (Commercial/conditions)
Proposed Use Dance studio

Property Owner Dance Spirit, LLC
Applicant Denise Lopez
Representative Kerry Ellison

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SURROUNDING ZONING AND LAND USE

North: R-3A/sc (Residential/special contract); Single-family residential dwellings
South: R-3A (Residential); Single-family residential dwellings
East: C-1/c (Commercial/conditions); Vacant
West: C-1/c (Commercial/conditions); Vacant

THE PLAN FOR EL PASO DESIGNATION: Residential

APPLICATION DESCRIPTION

The request for a detailed site development plan to be reviewed by the City Plan Commission and the Mayor and City Council is to satisfy the conditions imposed on the property by Ordinance 011446, dated June 22, 1993. The applicants are also required to provide a 10’ wide strip of landscaping along Montwood Drive, and structures of no more than 2½ stories or 35’ in height, whichever is greater. The applicant is proposing to construct a 10,911 sq. ft. dance studio at a height of 25’. Access is provided via Montwood Drive with 60 parking spaces being provided.

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

All applications for detailed site development plan review 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: protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment.
- c. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.

- 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 compliance with the Plan for El Paso – City-wide Land Use Goals. The dance studio is in the vicinity an existing mixture of housing types, densities, and styles, as well as a commercial development. Providing vehicular access to the property located along Montwood Drive allows the residential development to co-exist with the commercial without requiring the commercial traffic to traverse through the residential neighborhood. The applicants are providing a landscaped buffer between the residential homes located at the rear of the property and the studio. The applicants are proposing to include screened parking, and additional landscaping along Montwood Drive. This is the third application to be submitted in recent months for the commercial property located along this corridor.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee provides the following comments:
The DCC recommends approval of the detailed site development plan.

Development Services Department - Building Permits and Inspections Division:

Zoning Review: Dance Studio permitted on C-1 (Commercial) District. Meets district minimum yard, off-street parking and loading standards. Shall maintain a six-foot high masonry screening wall along property lines abutting residential zoning districts.

Landscape Review: No comments received

Development Services Department - Planning Division:

Current Planning: Recommends approval of the detailed site development plan.

1. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property for **Residential** land uses.
2. C-1/c (Commercial/conditions) zoning permits a dance studio and is compatible with adjacent development.

Subdivision Review: Recommend the developer address the following comments. The existing 25' drainage easement crossing the property shall be labeled as "25' private drainage easement." Provide the recorded document number. Show and label any proposed drainage structures. The site is **not** located within a Special Flood Hazard Area Flood Zone: C Panel: **480214 0043 B**. The following will be required at the time of development:

1. ADA accessible sidewalks, driveways, wheelchair ramp(s) will be required.
2. Grading plan and permit will be required.
3. Storm Water Pollution Prevention Plan and/or permit will be required.
4. Drainage plans must be approved by the Development Services Department – Engineering Section.
5. No developed site water run-off allowed outside the proposed development boundaries (on-site ponding) is required.

Engineering Department - Traffic Division:

No objections to the proposed detailed site plan

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Fire Department:

No objections to the proposed detailed site plan

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 detailed site development plan review application

1. Recommend approval of the application finding that the detailed site 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 detailed site 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 detailed site 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. Location Map
2. Aerial Map
3. Detailed Site Development Plan
- 4: Ordinance 011446

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ATTACHMENT 1: LOCATION MAP



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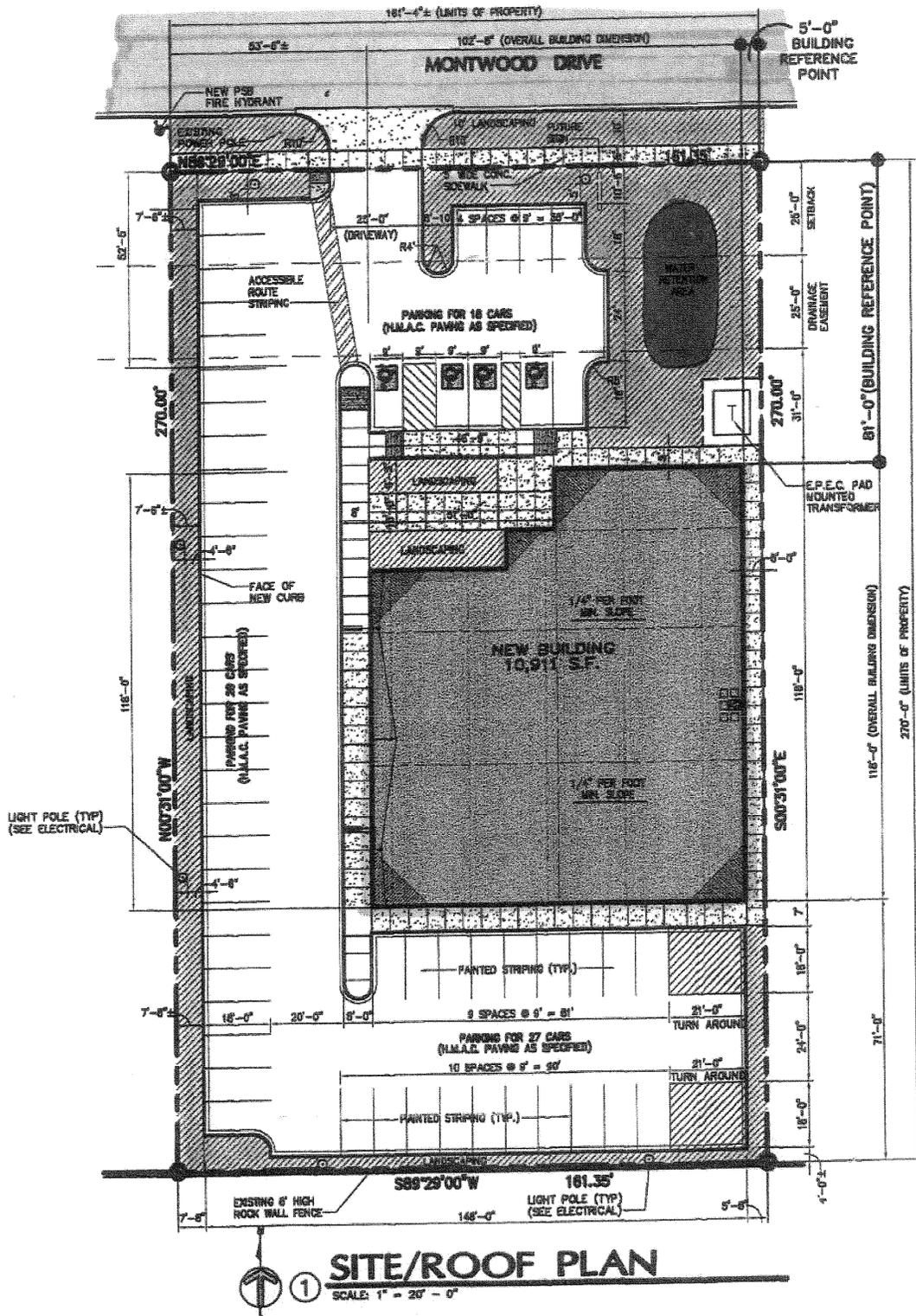
ATTACHMENT 2: AERIAL MAP

ZON08-00051



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ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



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ATTACHMENT 4: ORDINANCE 011446

ORDINANCE NO. 011446

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential), to R-3A (Residential-Parcel 5), C-4 (Commercial-Parcels 1&2), A-O (Apartment/Office-Parcel 4) and C-1 (Commercial-Parcel 3) 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 R-3A (Residential), C-4 (Commercial), A-O (Apartment/Office) and C-1 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Parcels 1 & 2

1. Prior to issuance of building permits, the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council a detailed site development plan of the property. Such site plans should also include a landscaping plan, to show how the area adjacent to the residential uses can be buffered.

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93-5787

2. Provide a 15' strip of landscaping adjacent to Joe Battle Blvd. (Loop 375) and Montwood Dr.

Parcels 2,3&4

1. Prior to issuance of any building permits the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council, a detailed site development plan of the property.
2. Limiting the height of any structure to not more than 2½ stories or 35' whichever is greater.
3. Provide a 10' wide strip of landscaping along Montwood Dr.

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 benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 22nd day of June, 1993.

I certify that the zoning map has been revised to reflect the amendment of ordinance # 011446 by [Signature] Date 8-4-93

THE CITY OF EL PASO

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: V.P.

8-4-93 COUNTER
8-4-93 ORIGINAL
8-4-93 Bldg. Inspection
8-4-93 CONT. CO.

ORDINANCE NO. 011446 PAGE 2 OF 3

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