

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

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

**AGENDA DATE:** Introduction: April 29, 2014  
Public Hearing: May 20, 2014

**CONTACT PERSON/PHONE:** Arturo Rubio, (915) 212-1613, [rubioax@elpasotexas.gov](mailto:rubioax@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance granting special permit no. PZST14-00009, to allow for a Ballroom/Banquet Hall in a C-2/c/sc (Commercial/conditions/special contract) zone district on the property described as a portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, 8825 North Loop Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.260 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Applicant: Eloisa Gutierrez, Location: 8825 North Loop Drive, **PZST14-00009 (District 7)**

**BACKGROUND / DISCUSSION:**

Staff report attached.

**PRIOR COUNCIL ACTION:**

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – **Approval Recommendation (5-0 Vote)**

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

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

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

**DEPARTMENT HEAD:** Mathew S. McElroy  
Director, City Development Department

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**APPROVED FOR AGENDA:**

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

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

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

**AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST14-00009,  
TO ALLOW FOR A BALLROOM/BANQUET HALL IN A C-2/C/SC  
(COMMERCIAL/CONDITIONS/SPECIAL CONTRACT) ZONE DISTRICT ON THE  
PROPERTY DESCRIBED AS A PORTION OF LOT 1, BLOCK 1, LAS FLORES  
SUBDIVISION UNIT 4, 8825 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO  
COUNTY, TEXAS, PURSUANT TO SECTION 20.04.260 OF THE EL PASO CITY  
CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL  
PASO CITY CODE.**

**WHEREAS**, Eloisa Gutierrez (Applicant) has applied for a Special Permit for a Ballroom/Banquet Hall in a C-2/C/SC (Commercial/Conditions/Special Contract) under Section 20.10.280 of the El Paso City; and,

**WHEREAS**, a report was made to 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 Sections 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-2/C/SC (Commercial/Conditions/Special Contract) Zone District:

*A portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, 8825 North Loop Drive, City of El Paso, El Paso County, Texas and as more particularly described by metes and bounds on the attached Exhibit "A"; and,*

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow a Ballroom/Banquet Hall in a C-2/C/SC (Commercial/Conditions/Special Contract) Zone District; and,
3. That this Special Permit is issued subject to the development standards in the C-2/C/SC (Commercial/Conditions/Special contract) 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

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

PZST14-00009

copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference; and

4. That if at any time the Applicants fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST14-00009 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leaser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Moimsen  
City Clerk

**APPROVED AS TO FORM:**

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

**APPROVED AS TO CONTENT:**

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

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

**PZST14-00009**





## MEMORANDUM

**DATE:** May 10, 2014

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

**FROM:** Arturo Rubio, Senior Planner

**SUBJECT:** PZST14-00009

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The City Plan Commission (CPC), on April 24, voted 5-0 to recommend **approval** of the special permit to allow for a Ballroom/Banquet Hall in a C-2/c (Commercial/conditions) zone district.

The CPC found that the special permit is in conformance with the Plan El Paso. The CPC also determined that the special permit protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the special permit will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were no letters or phone calls in support or opposition to this request.

**Attachment:**  
Staff Report



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

**Case No:** PZST14-00009  
**Application Type:** Special Permit and Detailed Site Development Plan  
**CPC Hearing Date:** April 24, 2014  
**Staff Planner:** Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

**Location:** 8825 North Loop Drive  
**Legal Description:** A portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, City of El Paso, El Paso County, Texas  
**Acreage:** 9.07 acres  
**Rep District:** 7  
**Zoning:** C-2/c/sc (Commercial/condition/special contract)  
**Existing Use:** Community Shopping Center  
**C/SC/SP/ZBA/LNC:** Conditions/Special Contract, Ordinance Nos. 15816 and 7591  
**Request:** Special Permit with Detailed Site Development Plan Review to allow for a Ballroom  
**Proposed Use:** Ballroom

**Property Owner:** Verde Paso Partners, LP  
**Applicant:** Eloisa Gutierrez  
**Representative:** Mimco/Charlie Gomez

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

**North:** R-3 (Residential)/Single-family dwellings/ R-3A (Residential)/Vacant  
**South:** C-1/c (Commercial/conditions)/Retail/C-3/c (Commercial/conditions)/Retail  
**East:** R-F/ (Ranch and Farm)/Single-family dwellings/C-1/c (Commercial/conditions)  
**West:** R-3A (Residential)/Vacant/C-1 (Commercial)

**PLAN EL PASO DESIGNATION:** G-3, Post War (Mission Valley Planning Area)

**NEAREST PARK:** Pecan Grove 1 Park (4,386 feet)

**NEAREST SCHOOL:** Mission Valley Elementary School (798 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

There are no registered neighborhood associations in the area. This was verified through Community Development Department data on recognized neighborhood associations.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 9, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the special permit request.

### **APPLICATION DESCRIPTION**

This is a special permit and detailed site development plan review request to allow for a ballroom/banquet Hall in a C-2/c/sc (Commercial/conditions/special contract) zone district property. A ballroom is a permitted use in the C-2 zone district with the review and approval of a special permit and detailed site development plan as required by City Code, Section 20.04.260. The site plan shows an existing 9,000 square feet area which will be adapted for ballroom/banquet hall use. There are rezoning conditions imposed by both Ordinance No. 15816 and by a special contract attached to Ordinance No. 7591 (see Attachments 4 and 5); however, the conditions have no impact on the proposed use as the conditions have either been satisfied or do not apply to the existing development. Access is proposed from North Loop Drive.

**ANALYSIS**

Ballroom is a permitted use in C-2 and C-3 (Commercial) zone districts with an approved Special Permit and Detailed Site Development Plan as identified by the zone district regulations.

**20.04.260 Special permits generally**

A. The City Council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.

**CITY DEVELOPMENT PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of the special permit and detailed site development plan review request, as it complies with the requirements of Sections 20.04.320 special permit and 20.04.150 detailed site development plan.

**Plan El Paso-Future Land Use Map Designation**

All applications for special permit shall demonstrate compliance with the following criteria:

G-3 – Post War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing sock and add missing civic and commercial uses.

The purpose of the C-2 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

**COMMENTS:**

**Planning Division - Transportation**

Pending TIA review

Note:

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

**City Development Department – Plan Review**

No comments received

**City Development Department - Landscaping Division**

No comments received

**City Development Department - Land Development**

No comments received

**Fire Department**

Pending final review

**Sun Metro**

Sun Metro does not oppose this request. Routes 63, 66 and 67 travel along North Loop in front of subject site. There is an existing bus stop approximately 138 ft. west of the subject site.

## **El Paso Water Utilities**

1. EPWU does not object to this request.

### **EPWU-PSB Comments**

#### **Water:**

1. 2. There is an existing 8-inch diameter water main that extends along a 20-foot wide PSB easement located on the eastern portion of the property. Also, there is an existing 8-inch diameter water main that extends along the private access road located south of the property. These water mains are available for service.
2. There is an existing 8-inch diameter water main that extends along North Loop Drive, approximately 13-feet west of and parallel to the eastern North Loop right-of-way line. This main dead-ends 300-feet north of the Juan de Herrera Lateral. Also, there is an existing 8-inch diameter water main that extends along North Loop Drive and that dead-ends 150-feet south of Muralla Way. These water mains are available for service.

#### **General:**

1. EPWU-PSB records indicate several active water meters serving the retail shopping center
2. Previous water pressure readings from fire hydrant number 8132 located approximately 500 feet north of the intersection of Zaragoza Road and North Loop Drive have yielded a static pressure of 98 pounds per square inch (psi), residual pressure of 34 psi and a discharge of 1661 gallons per minute (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.

#### **Sanitary Sewer:**

1. There is an existing 8-inch diameter sewer main that extends along the private access road located south of the property. This main dead-ends approximately 500-feet west of Zaragoza Road. This main is available for service.
2. There is an existing 8-inch diameter sewer main that extends along North Loop Drive, approximately 21-feet west of and parallel to the eastern North Loop right-of-way line. This main dead-ends 260-feet north of the Juan de Herrera Lateral.
3. North Loop Dr. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed utility work to be performed within the North Loop Dr. right-of-way requires written permission from TxDOT.
4. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. No buildings or other structures shall be constructed or maintained on the above referenced easements. EPWU-PSB requires access to the water and sanitary sewer facilities within the easements 24 hours a day, seven days a week.
5. EPWU requires a new service application to provide additional services. 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 EPWU – 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.

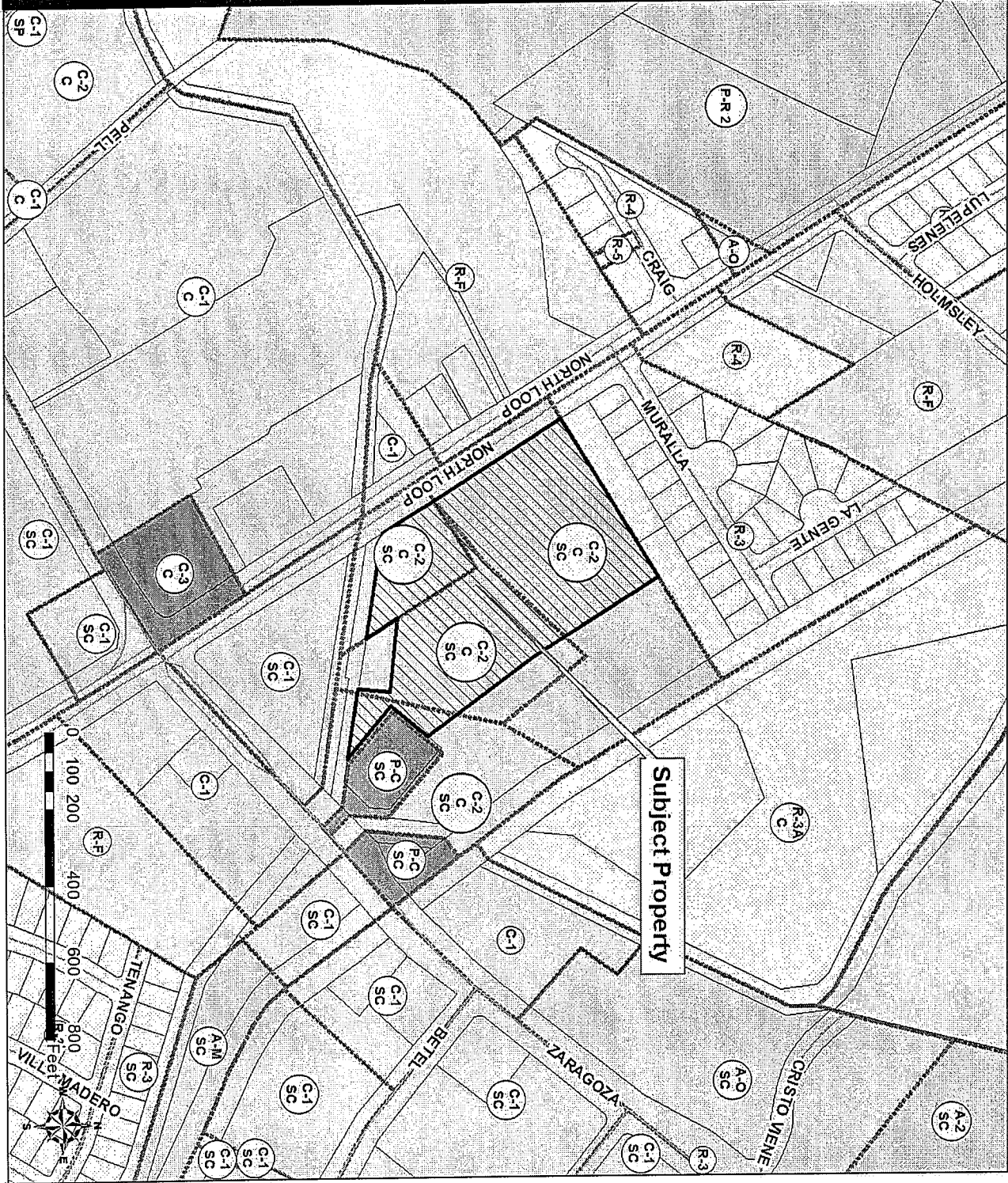
### **Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Development Plan
4. Rezoning Condition Ordinance No. 15816 dated June 15, 2004
5. Special Contract Ordinance No. 7591 dated September 14, 1982



ATTACHMENT 1: ZONING MAP

PZST14-00009

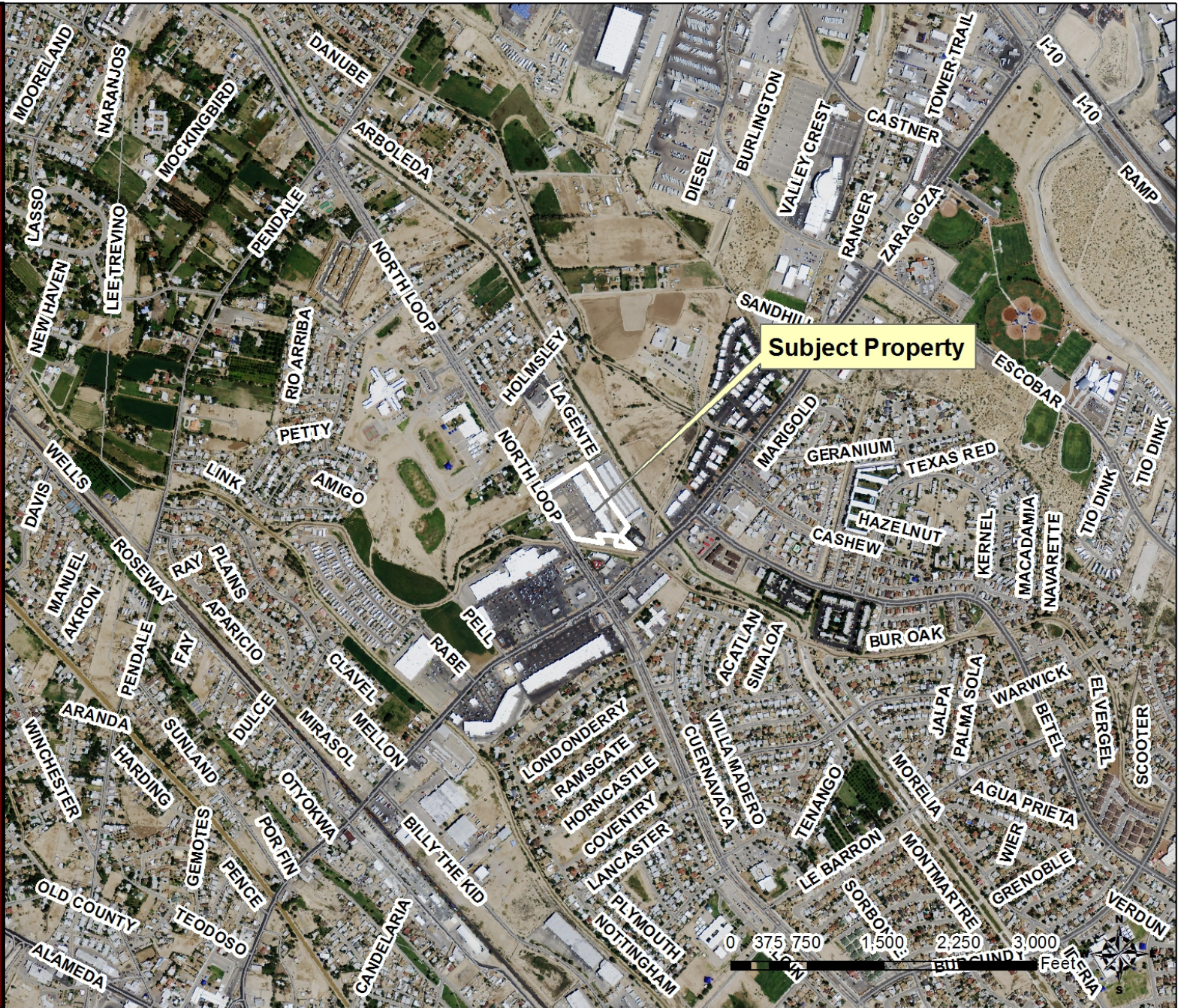




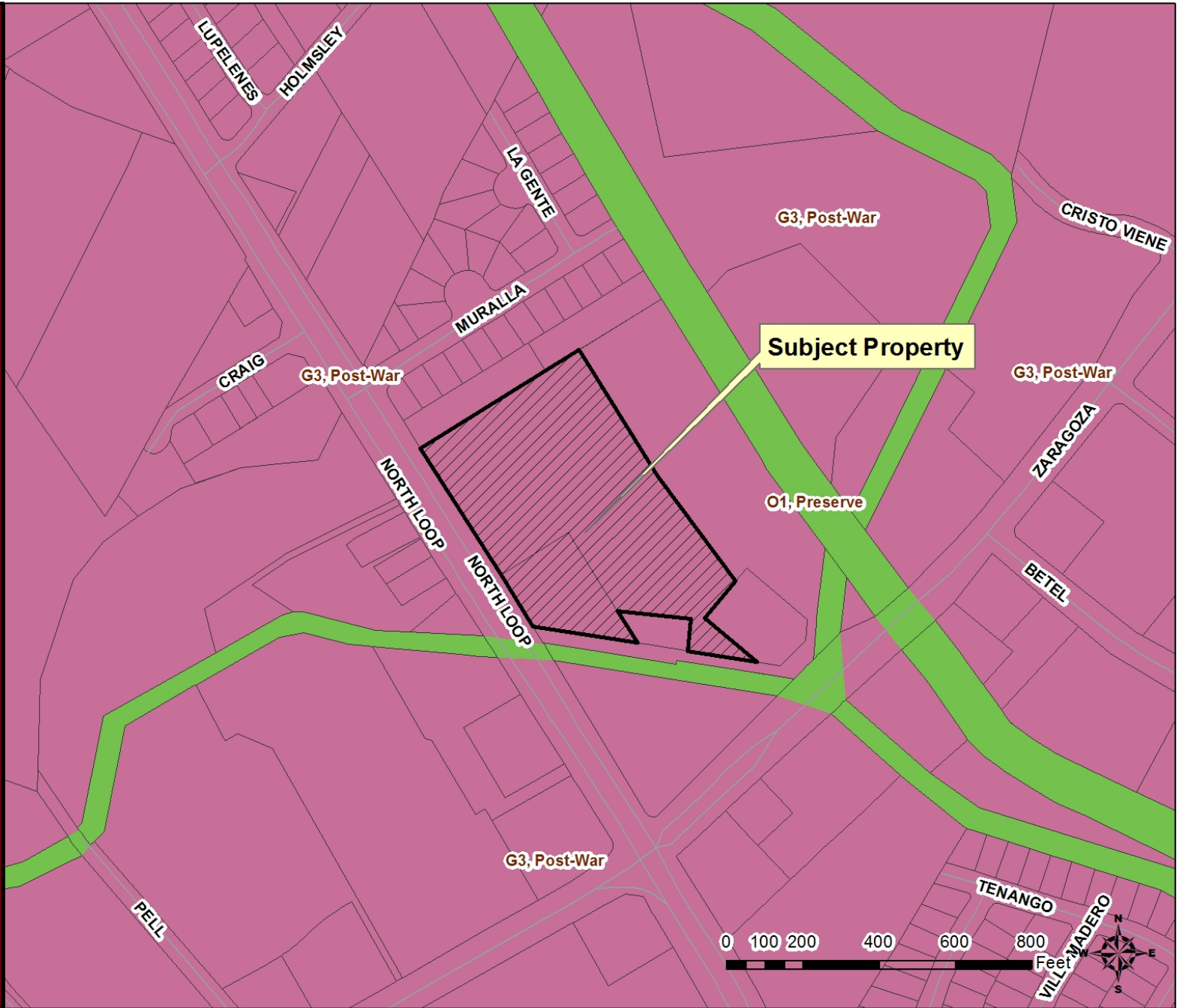
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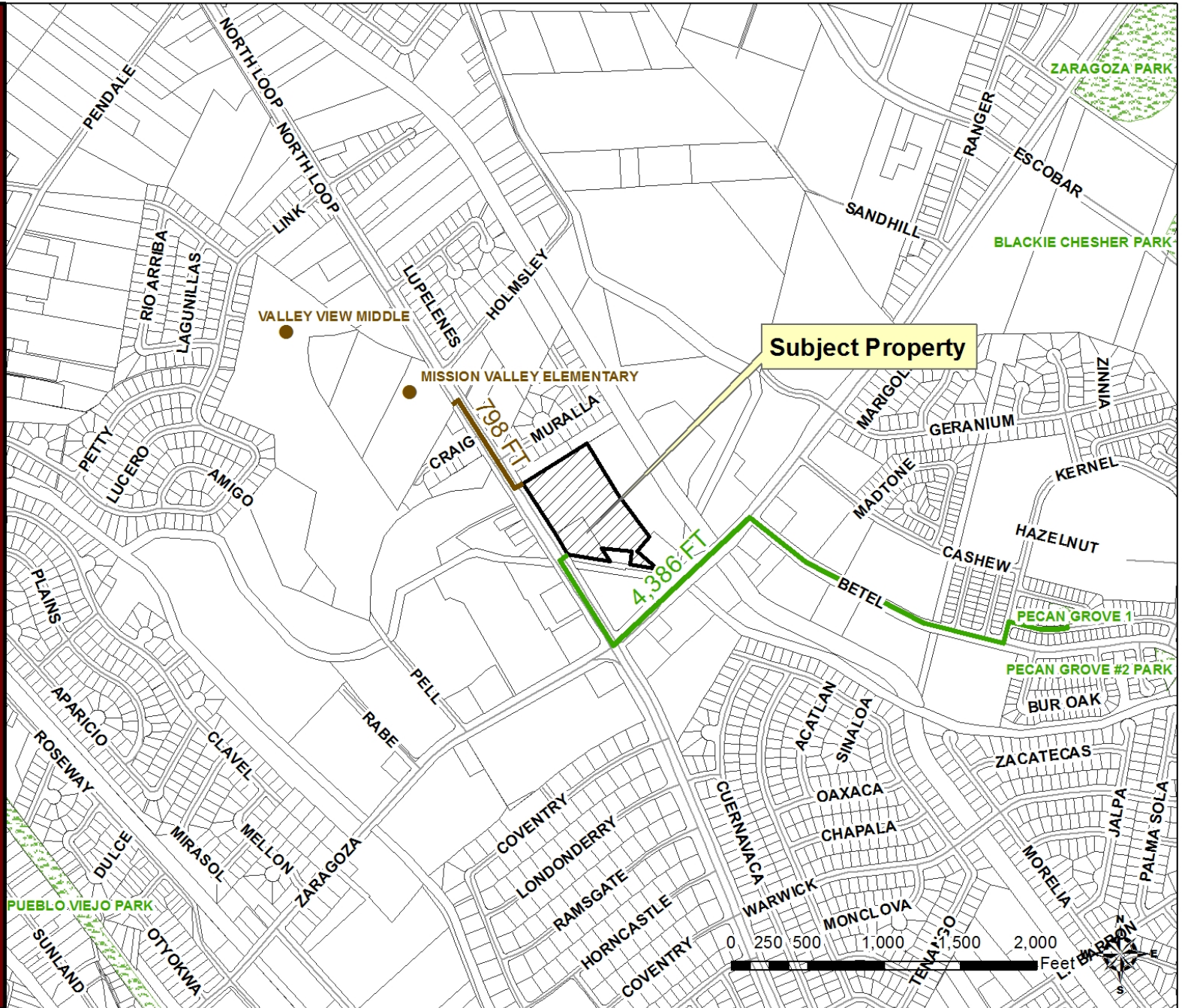
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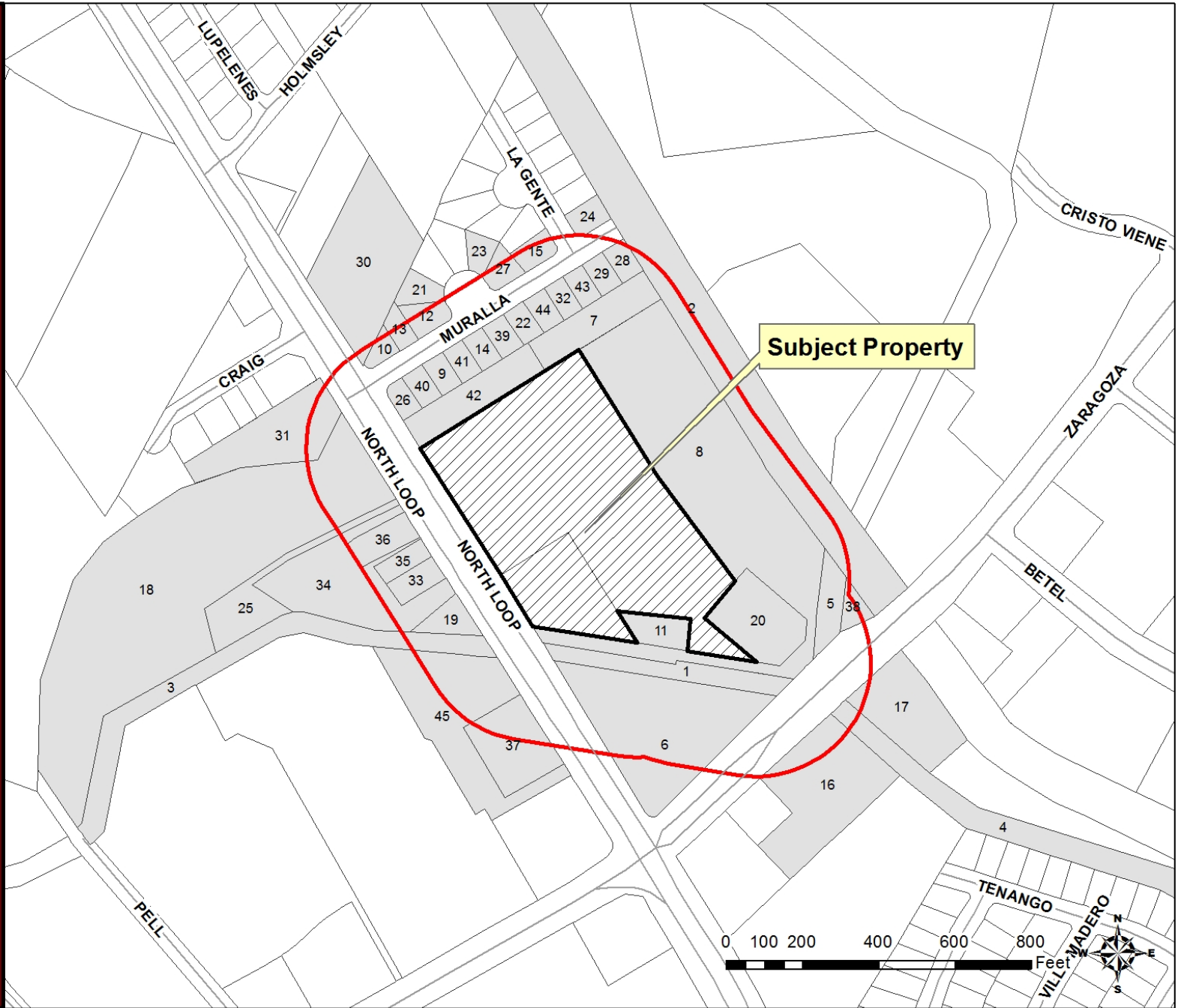
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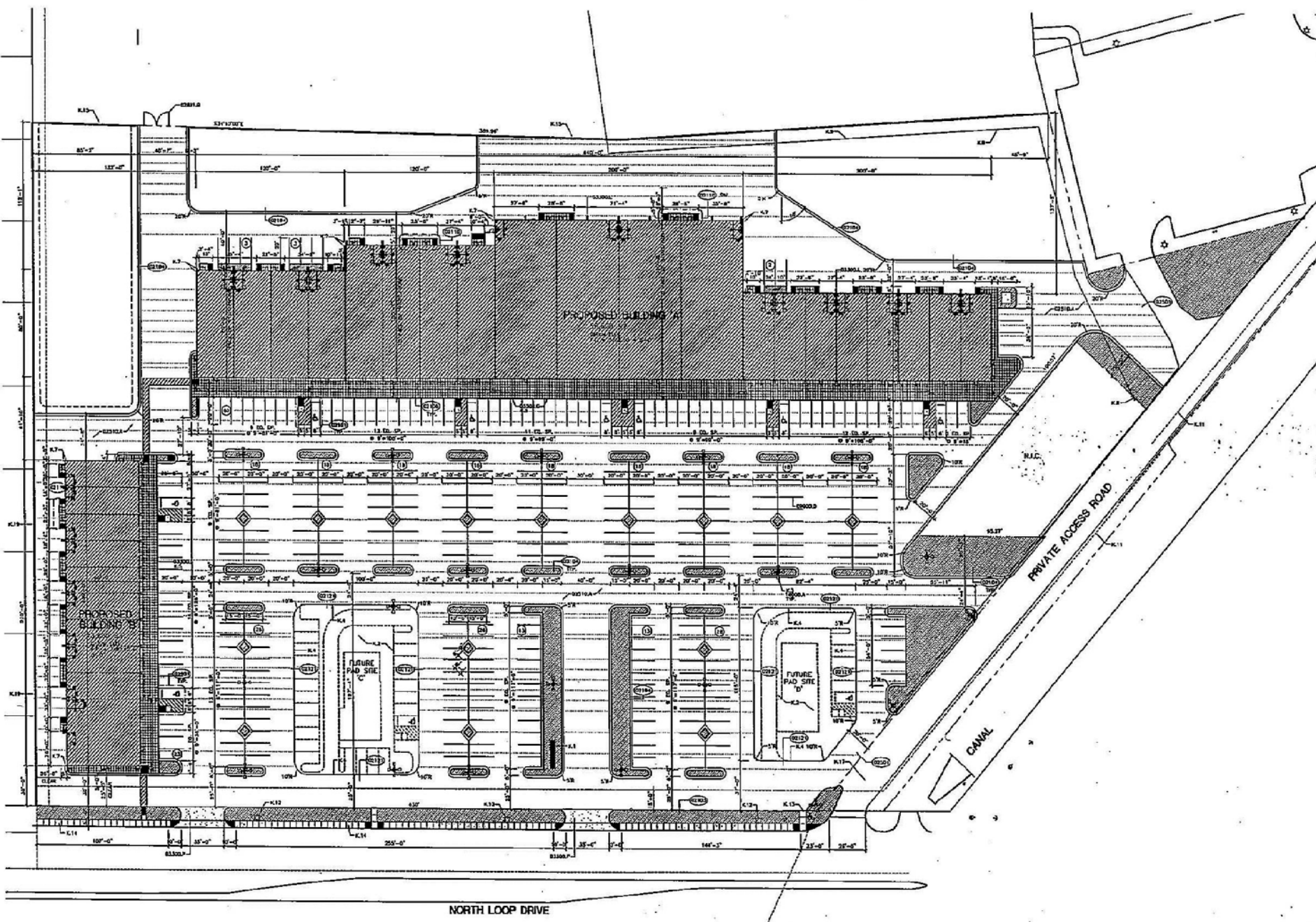



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 SITE PLAN  
SCALE: 1" = 30'-0"





CRAIG

LA GENTE

MURALLA

NORTH LOOP

NORTH LOOP

ZARAGOZA

BETEL

8675

826

8545

8652

8650

8679

NULL

849

853

8657

8661

8540

544

8684

499

515

513

501

8691

525

524

532

536

520

524

520

516

512

508

504

500

8625

8753

478

486

488

474

466

8630

8660

8740

872

8744

870

8746

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745

8835

820

810

9001

832

9010

860

840

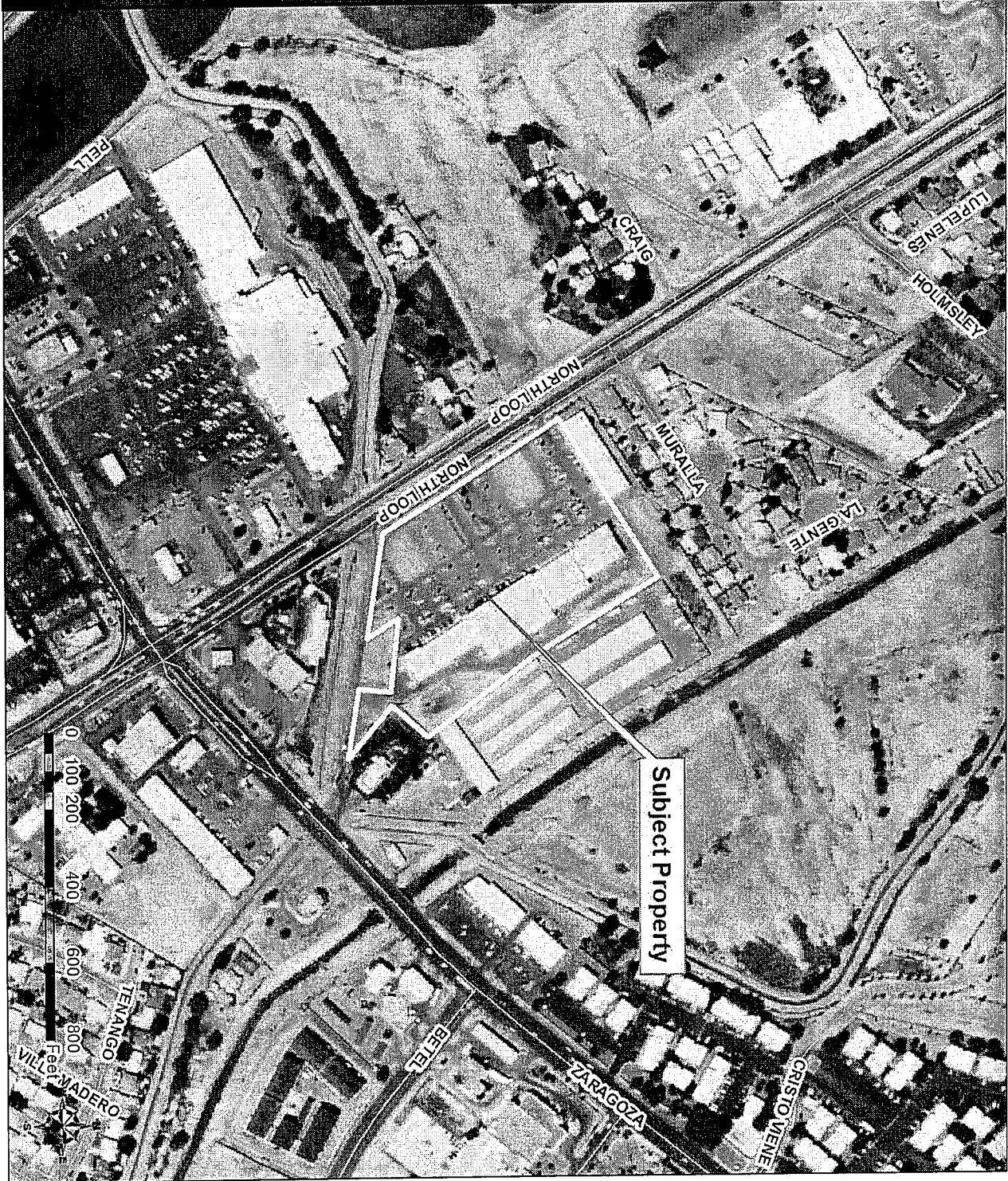
8002

880

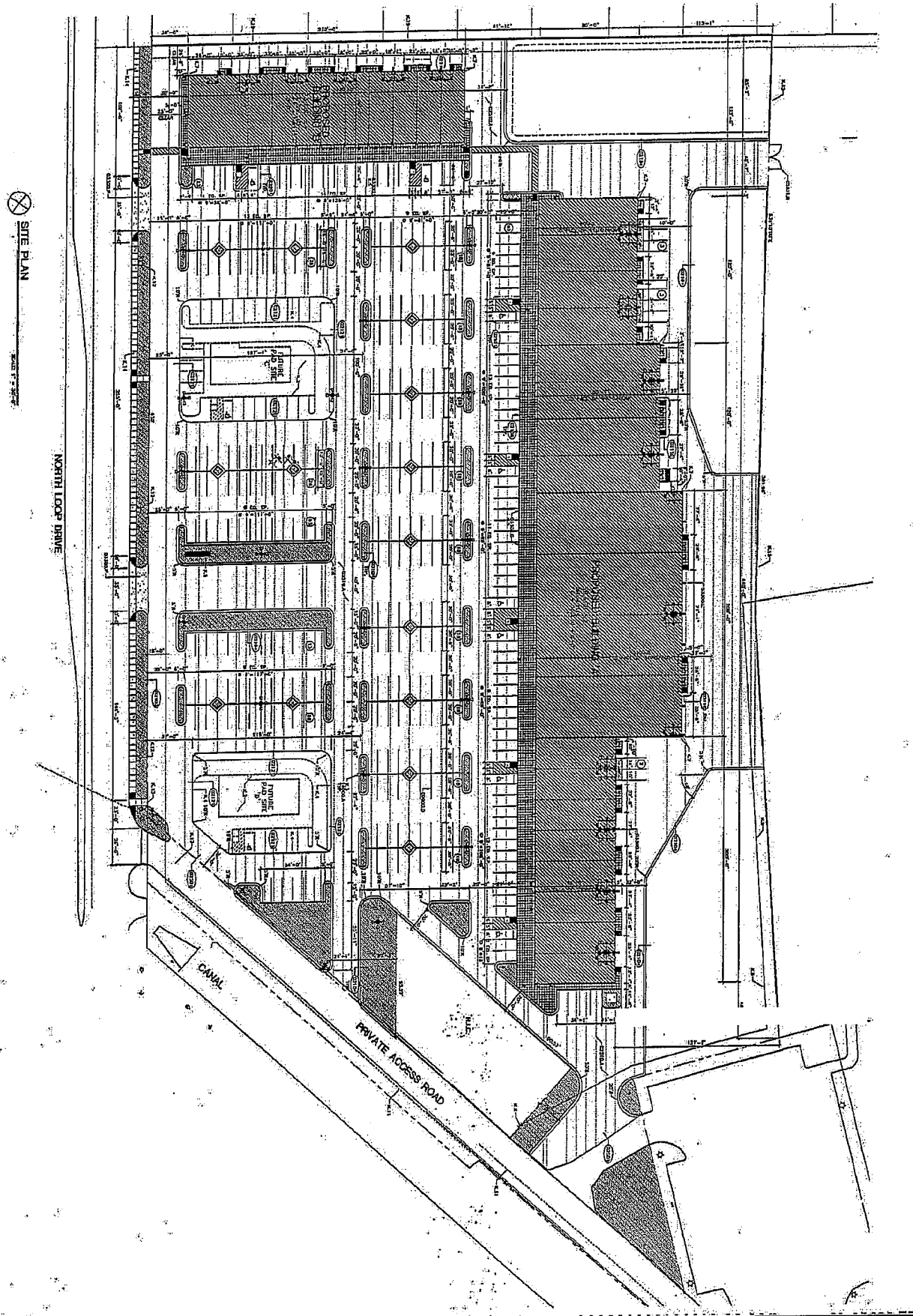
8925

ATTACHMENT 2: AERIAL MAP

PZST14-00009



**ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN**



ATTACHMENT 4: Rezoning Condition Ordinance No.

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ORDINANCE NO. 15816

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOT 2 AND A PORTION OF LOT 1, BLOCK 1, LAS FLORES SUBDIVISION UNIT 4, EL PASO, EL PASO COUNTY, TEXAS FROM P-C/SC (PLANNED COMMERCIAL DISTRICT/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT); AND PARCEL 2: A PORTION OF LOT 1, BLOCK 1, LAS FLORES SUBDIVISION UNIT 4, EL PASO, EL PASO COUNTY, TEXAS FROM P-C/SC (PLANNED COMMERCIAL DISTRICT/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

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

That the zoning of Parcel 1: *Lot 2 and a portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract); and Parcel 2: *A portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "B", be changed from P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract); within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That Parcels 1 and 2 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 P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract) for Parcel 1, and from P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract) for Parcel 2, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

*That a Detailed Site Development Plan be reviewed and approved pursuant to the El Paso Municipal Code prior to the issuance of any building permits, and that the site development plan submitted with this rezoning application be accepted to meet this requirement.*

ORDINANCE NO. 15816

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6/16/2004

Zoning Case No. ZON04-00050



ATTACHMENT 5: Special Contract Ordinance No.

CONTRACT

THIS CONTRACT, made this 14<sup>th</sup> day of September, 1982,  
by and between MSG PROPERTIES, A TEXAS GENERAL PARTNERSHIP COMPOSED  
OF GERALD J. RUBIN AND IRVING I. RUBIN, First Parties, and the  
CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning  
of Tracts 12B, 13A and 13B, Block 6, Ysleta Grant, City of El Paso,  
El Paso County, Texas, such property being more particularly  
described in Ordinance No. 7591, now pending before the City  
Council of the City of El Paso, a copy of which is attached hereto,  
marked Exhibit "A" and made a part hereof by reference. To remove  
certain objections to such rezoning, First Parties covenant that  
if the property is rezoned to P-C (Planned Commercial) District  
within the meaning of the zoning ordinance of the City of El Paso,  
it shall be subject to the following restrictions, conditions and  
covenants:

1. No package store, unless operated with supermarkets,  
drugstores or other retail operation, or any establishment whose  
principal purpose is the serving or selling of alcoholic beverages  
without food service, by the drink for consumption on the premises  
shall be allowed on the property. This shall not be construed to  
prohibit the operation of a restaurant which sells alcoholic beverages  
in connection with food service.

2. No billiard hall or skill or pleasure coin-operated  
machine establishment shall be permitted on the property.

- (a) "Billiard hall" as used in this paragraph shall mean a place at which a billiard table or tables are provided to be played on for compensation.
- (b) "Billiard table" as used in this paragraph means any table (whether coin-operated or not) surrounded by a ledge or cushion with or without pockets, upon which balls are impelled by a stick or cue.
- (c) The term "skill or pleasure coin-operated machine establishment" as used in this paragraph means any place where five or more skill or pleasure coin-operated machines are maintained or made available for use or operation.
- (d) The term "skill or pleasure coin-operated machine" means every machine or device of any kind or char-

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CITY OF EL PASO

acter whatsoever which is operated by or with coins, currency, metal slugs, tokens or checks, when such machine dispenses, uses or is capable of being used or operated for any purpose other than dispensing or vending of merchandise, music, or service exclusively. "Skill or pleasure coin-operated machine" shall include, but not be limited to the following: marble machines, marble table machines, marble shooting machines, miniature racetrack machines, miniature football machines, miniature golf machines, miniature bowling machines, pinball machines, and all other coin-operated machines, which dispense or afford skill or pleasure. Every machine or device of and kind or character which dispenses or vends merchandise, commodities or confections or plays music in connection with or in addition to such games or dispensing of pleasure or skill shall be considered a "skill or pleasure coin-operated machine."

3. No adult bookstore, adult motion picture theater or nude live entertainment club shall be permitted on the property.

(a) "Adult bookstore" as used in this paragraph shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals, and "peep shows" or film strips which are distinguished or characterized by their emphasis on pictorial or photographic representations of "specified sexual activities" or "specified anatomical areas" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.

A "significant or substantial portion" shall mean more than one-third of the stock in trade or sales of the described material in excess of \$5,000 retail value per year.

(b) "Adult motion picture theater" as used in this paragraph shall mean an enclosed building or outdoor screen presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of such establishments, and which offers such materials for at least any 120 days in any 12-month period.

(c) "Nude live entertainment club" as used in this paragraph shall mean any bar, club, theater, lounge or establishment which offers live nude entertainment by dancers, models, actors, actresses, players, waitresses or waiters. "Nude live entertainment" shall mean live human dancers, models, actors, actresses, players, waitresses or waiters whose public area, buttock or genitals are exposed to the view of patrons at any time.

(d) "Specified sexual activities" as used in this paragraph shall mean:

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DEVELOPED  
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- (1) human genitals in a state of actual or simulated sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy;
- (3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast;
- (4) "sexual intercourse," "sexual contact," or deviate sexual intercourse" as defined in Sec. 31.01, Texas Penal Code.

(e) "Specified anatomical areas" as used in this paragraph shall mean less than completely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.

4. No certificates of occupancy and compliance shall be issued for any building constructed on the property until First Parties have, at no cost to the City, done the following:

- (a) Installed a concrete sidewalk along the boundary of the property which is adjacent to North Loop Drive.
- (b) Constructed a deceleration lane along North Loop Drive including grading, paving, curbing and gutters.

Such improvements shall be done in accordance with specifications to be approved by the City Engineer of the City of El Paso; in addition, plans and specifications for the deceleration lane to be constructed and installed under paragraph 4(b) above must be approved by the Director of Traffic and Transportation of the City of El Paso. The City Engineer and the Director of Traffic and Transportation must certify that such improvements have been satisfactorily installed before certificates of occupancy and compliance shall be issued.

5. First Parties shall, at no cost to the City, execute and deliver to the City a written instrument dedicating to the City a strip of right of way varying in width from a maximum of 35 feet to a minimum of approximately 30 feet for the future widening of North Loop Drive. A legal description will be furnished by the City.

This contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall embody this contract 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.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

MSG PROPERTIES  
A TEXAS GENERAL PARTNERSHIP

BY Gerald J. Rubín  
Gerald J. Rubín

BY Irving I. Rubín  
Irving I. Rubín

THE CITY OF EL PASO

BY Mayor  
Mayor

ATTEST:

City Clerk  
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney  
Assistant City Attorney

APPROVED AS TO CONTENT:

Planning Department  
Planning Department

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me this 15 day of September, 1982 by GERALD J. RUBIN and IRVING I. RUBIN.

My Commission Expires:  
CAROLYN CAMPBELL, Notary Public  
in and for the County of El Paso, Texas  
My commission expires 01/12/85

Carolyn Campbell  
Notary Public  
State of Texas

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me this 19<sup>th</sup> day of October, 1982, by JONATHAN W. ROGERS, as Mayor of the City of El Paso.

My Commission Expires:  
11/12/82

Notary Public  
Notary Public  
State of Texas