

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

**DEPARTMENT:** Planning and Economic Development Department, Planning Division

**AGENDA DATE:** Introduction: July 5, 2011  
Public Hearing: July 26, 2011

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 8

**SUBJECT:**

An Ordinance granting Special Permit No. PZST11-00006, to allow for infill development and a parking reduction on the property described as all of the North ½ of Lots 14, 15, and 16, Block 57, Supplemental Map No. 1, East El Paso Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3620 E. Missouri Avenue. Applicant: Leopoldo Duran. PZST11-00006 (**District 8**)

**BACKGROUND / DISCUSSION:**

N/A

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

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

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

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

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

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Deputy Director, Planning and Economic Development Department

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**APPROVED FOR AGENDA:**

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

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

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

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST11-00006, TO ALLOW FOR INFILL DEVELOPMENT AND A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS ALL OF THE NORTH ½ OF LOTS 14, 15, AND 16, BLOCK 57, SUPPLEMENTAL MAP NO. 1, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.04.320 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Leopoldo Duran, Owner, has applied for a Special Permit under Section 20.10.280 of the El Paso City Code to allow for Infill Development and a Parking Reduction; 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 an C-2 (Commercial) District:  
*All of the North ½ of Lots 14, 15, and 16, Block 57, Supplemental Map No. 1, East El Paso Addition, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A",*
2. That the City Council hereby grants a Special Permit under Section 20.10.280 of the El Paso City Code, to allow for Infill Development and a Parking Reduction; 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 Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and incorporated herein by reference for all purposes; and,

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

Special Permit No. PZST11-00006

4. That if at any time the Owner or the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **PZST11-00006** shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; 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 of the City Plan Commission before building permits are issued.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Lupe Cuellar  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy  
Deputy Director – Planning and  
Economic Development Department

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

**Special Permit No. PZST11-00006**

**AGREEMENT**

Leopoldo Duran, Owner, 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) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Leopoldo Duran:**

By: \_\_\_\_\_  
(name/title)

\_\_\_\_\_  
(signature)

**ACKNOWLEDGMENT**

THE STATE OF TEXAS    )  
  )  
COUNTY OF EL PASO    )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, for Leopoldo Duran, as Owner.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas

Notary's Printed or Typed Name:  
\_\_\_\_\_

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

Special Permit No. PZST11-00006

## EXHIBIT "A"

Prepared For: Leo Duran, L & J Café, Inc.  
Being the North half (½) of Lots 14 to 16, Block 57,  
East El Paso Addition, City of El Paso, El Paso County, Texas  
April 13, 2011  
W.O. 040811-3

### METES AND BOUNDS DESCRIPTION 3620 E. MISSOURI STREET

Description of a 0.1205 acre parcel of land being the North half (½) of Lots 14 to 16, Block 57, East El Paso Addition, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows to wit:

Starting at a city monument located at the monument line intersection of Copia Street and Missouri Street, said monument line being 10 feet North and 10 feet East of the centerlines, Thence North 90°00'00" East along the monument line of Missouri Street a distance of 275.00 feet to a point, Thence South 00°00'00" East a distance of 45.00 feet to a set chiseled "X" on concrete, said chiseled "X" lying on the Southerly right-of-way line of Missouri Street, said chiseled "X" also being the "TRUE POINT OF BEGINNING";

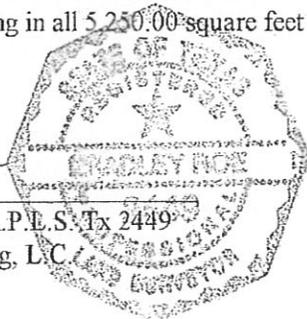
Thence North 90°00'00" East along said Southerly right-of-way line of Missouri Street a distance of 75.00 feet to a set chiseled "X" on concrete, said chiseled "X" lying along the Westerly right-of-way line of Stevens Street;

Thence South 00°00'00" East along said Westerly right-of-way line of Stevens Street a distance of 70.00 feet to a set 5/8" ø rebar with yellow plastic cap stamped Texas 2449, Roe Engr., L.C.;

Thence South 90°00'00" West a distance of 75.00 feet to a set 5/8" ø rebar with yellow plastic cap stamped Texas 2449, Roe Engr., L.C.;

Thence North 00°00'00" West a distance of 70.00 feet back to the "TRUE POINT BEGINNING" and said parcel containing in all 5,250.00 square feet or 0.1205 acres of land more or less.

  
Bradley Roe, R.P.L.S. Tx 2449  
Roe Engineering, L.C.





SCALE: 1" = 10'

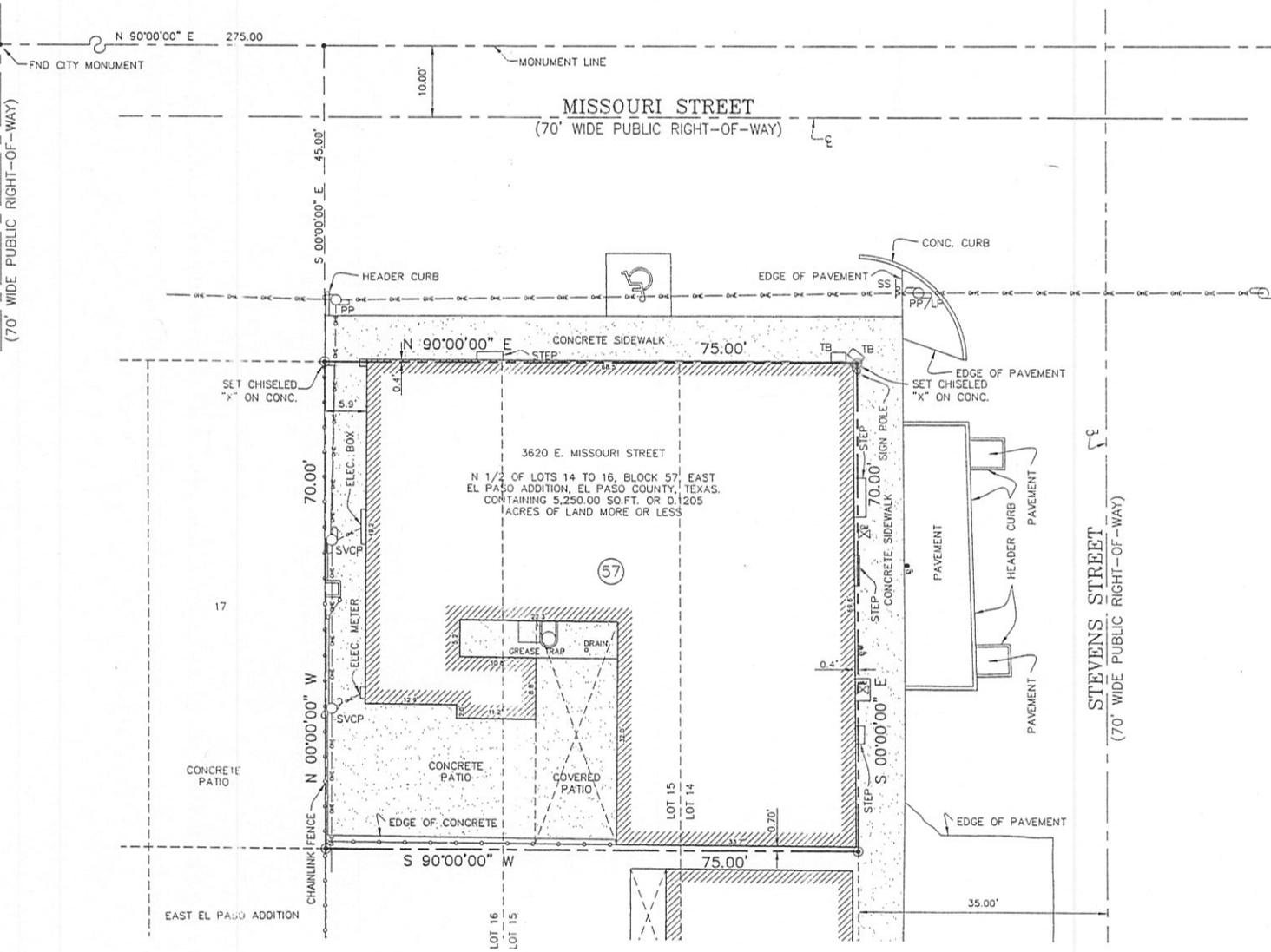
**LEGEND**

- SERVICE POST
- GUARD POST
- WATER VALVE
- WATER METER
- GAS METER
- POWER POLE
- TELEPHONE BOOTH
- OHE— OVER HEAD ELECTRIC/TELEPHONE
- TB

⊙ DENOTES SET 5/8" REBAR WITH YELLOW PLASTIC CAP STAMPED TX 2449, ROE ENGR., L.C. UNLESS OTHERWISE NOTED.

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NOTE: The above referenced property is within Zone "C". Explanation: Areas of minimal flooding. According to the Federal Emergency Management Agency Flood Insurance Rate Maps, El Paso County, as per Area Community Panel No. 480214 0024 & dated October 15, 1992.

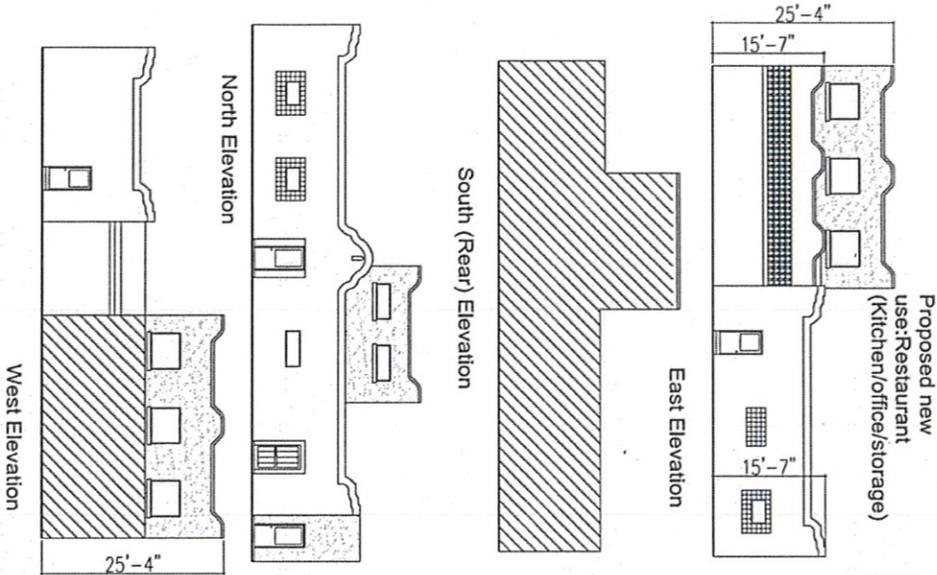


DATE	REVISIONS	BY	BENCHMARK	FILE INFORMATION	SCALE	CERTIFICATION	BOUNDARY AND IMPROVEMENT SURVEY
				CENSUS TRACT: 26.00 DISTRICT: 8 AREA: 10 COUNTY PLAT RECORDS BOOK: 1 PAGE: 51 FIELD: R.P.C.	HOR: 1" = 10' VER: 1/4" DRAWING: L & J C&E DWG W.O. 110204-3 DATE: NOVEMBER 10, 2004 DESIGN BY: N/A DRAWN BY: A.O. CHECK BY: HP APPD. BY: BR	I hereby certify that the foregoing Boundary & Improvement Survey was made by me or under my supervision on November 9, 2004, and that there are no encroachments except as shown.	3620 E. MISSOURI STREET N 1/2 OF LOTS 14 TO 16, BLOCK 57, EAST EL PASO ADDITION, EL PASO COUNTY, TEXAS. CONTAINING 5,250.00 SQ. FT. OR 0.1205 ACRES OF LAND MORE OR LESS

**Roe Engineering, L.C.**  
 808 N. CANTON ST. SUITE 400 EL PASO, TX, 79901  
 (915) 533-1111 FAX: (915) 533-4411  
 ENGINEERING/LAND DEVELOPMENT/PLANNING/SURVEYING

PREPARED FOR:  
Leo Duron, L & J Cafe, Inc.

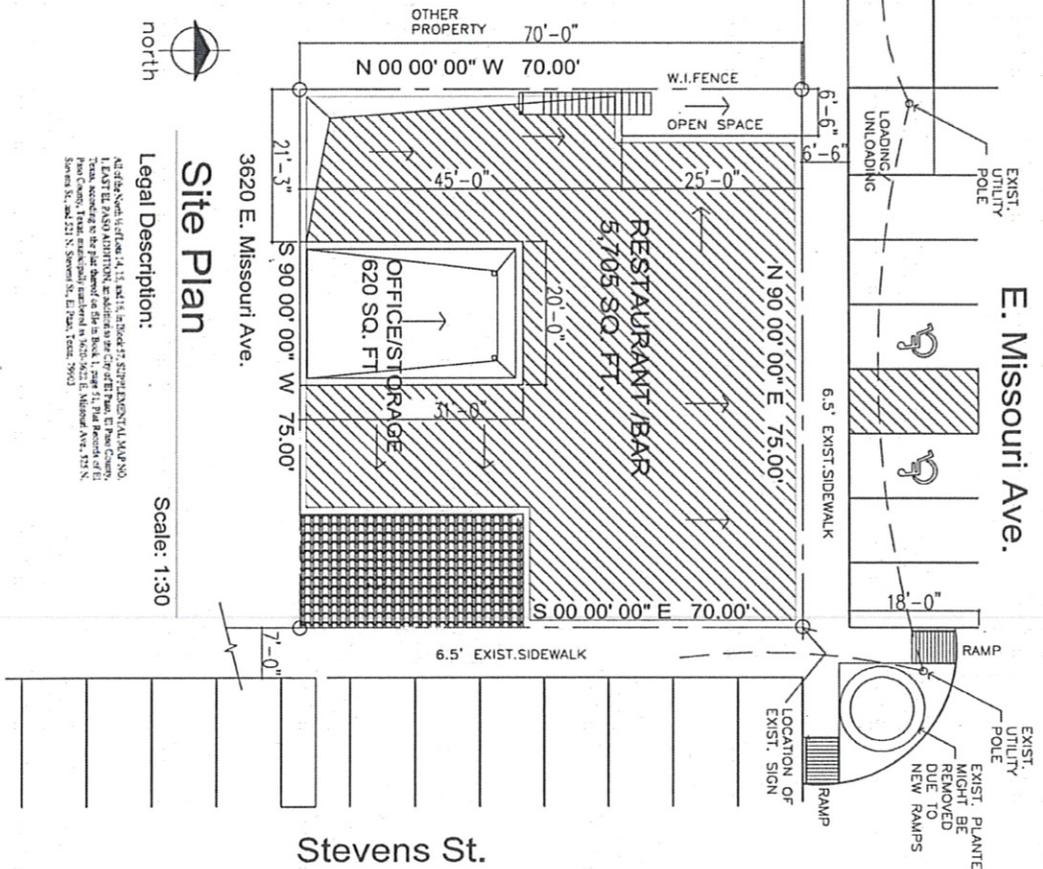
SHEET 1 OF 1



Proposed new  
use: Restaurant  
(Kitchen/office/storage)

- Parking Requirement:  
Restaurant: 1/100  
5,705 sq. ft. / 100 = 57 spaces  
2nd floor addition: 620 sq. ft. / 100 = 6.2 spaces  
Total Provided: 0 Parking spaces  
100% reduction request.

- Required Documentation List
- Structures: 5,705 sq. ft. total with addition 2nd floor: 620 sq. ft.
  - Lot Line: shown on site plan: 75' x 70'
  - Required yard Set Backs: Provided: 0.0' on all 4 sides
  - Landscape: None, there is no area for landscaping.
  - Open Spaces: only open space is to access the kitchen shown on plan.
  - Curbs Cuts and Driveways: none.
  - Sidewalks as shown on site plan
  - On-Site Parking loading: none. Bicycle spaces: will share with parking in front. Shared parking Agreement.
  - Storm Water Drainage: as shown on plans.
  - Screen and fence: only one as shown on site plan.
  - Utility Right-of-way and easements: none
  - Exist. Sign, see site plan.
  - Dumpster to be located in front property (same owner)
  - Exist. planter, might need to be removed due to the proposed new ramps and to be in compliance with current ADA/VMS rules.



Site Plan

Legal Description:

3620 E. Missouri Ave.  
N 00 00' 00" W 70.00'  
N 90 00' 00" E 75.00'  
S 00 00' 00" E 70.00'  
S 90 00' 00" W 75.00'

Scale: 1:30

## MEMORANDUM

**DATE:** June 27, 2011

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

**FROM:** Andrew Salloum, Planner

**SUBJECT:** PZST11-00006

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The City Plan Commission (CPC), on June 2, 2011, voted 6-0 to recommend **APPROVAL** of the special permit application to allow for infill development and a parking reduction.

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; that the proposed use is compatible with adjacent land uses; 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 1 **OPPOSITION** to this request.

**Attachment:**  
Staff Report



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

**Case No:** PZST11-00006  
**Application Type:** Special Permit and Detailed Site Development Plan Review  
**CPC Hearing Date:** June 2, 2011  
**Staff Planner:** Andrew Salloum, 915-541-4633, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 3620 E. Missouri Avenue  
**Legal Description:** All of the North ½ of Lots 14, 15, and 16, Block 57, Supplemental Map No. 1, East El Paso Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.12-acre  
**Rep District:** 8  
**Existing Use:** Restaurant  
**Existing Zoning:** C-2  
**Request:** Infill Development and Parking Reduction  
**Proposed Use:** Restaurant

**Property Owner:** Leopoldo Duran  
**Applicant:** Leopoldo Duran  
**Representative:** Jesus Ortega

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

**North:** R-5 (Residential) / Single-family dwellings  
**South:** C-2 (Commercial) / Multi-family dwellings  
**East:** R-5 (Residential) / Cemetery  
**West:** C-2 (Commercial) / Single-family dwelling

**THE PLAN FOR EL PASO DESIGNATION:** Commercial (Central Plan Area)

**NEAREST PARK:** Mary Webb Park (828 feet)

**NEAREST SCHOOL:** Alta Vista Elementary (2,149 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association  
Five Points Development Association

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 17, 2011. The Planning Division received a letter in support to the request, (See Attachment No. 4, page 7).

### **APPLICATION DESCRIPTION**

The applicant is requesting a special permit for a 100% parking reduction and infill development for the following reduced setbacks: from the required 20-foot front yard setback to 0 foot, from the required 20-foot rear yard setback to 0 foot and from the required 10-foot side street yard setback to 0 foot. The site plan shows a new 620 sq. ft. addition to an existing restaurant and bar. The development requires 6 parking spaces and the applicant is requesting a 100% parking reduction.

The Department of Transportation reviewed the parking study and found that the available on-street parking satisfies the parking needs for the new addition.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the special permit and detailed site development plan request as it meets all the requirements of 20.04.150, Detailed Site Development Plan, 20.04.320 and Special Permit.

### **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: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses
- b. 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.
- 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.

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.

### **Development Coordinating Committee Review**

The DCC reviewed and discussed the application for special permit and offered no objections to the Planning Staff's recommendation for **APPROVAL**.

### **Engineering & Construction Management Services Department – Plan Review**

No objections.

### **Engineering & Construction Management Services Department – Land Development**

General Comments:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.\*
- The Subdivision is within Flood Zone C-“Areas of minimal flooding” – Panel # 480212 0034B, dated October 15, 1982.

\*This requirement will be applied at the time of development.

### **Department of Transportation**

Notes:

1. No objection to parking reduction.
2. ADA ramps shall be accessible and meet ADA standards.
3. All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

### **Fire Department**

No objections.

### **Sun Metro**

Sun Metro does not oppose this request.

### **El Paso Water Utilities**

We have reviewed the special permit request above and provide the following comments:

1. EPWU-PSB does not object to this request.

Water:

2. There is an existing 6-inch diameter water main along Stevens Street fronting the subject property.
3. Previous water pressure from fire hydrant #1465 located at the northwest corner of Stevens Street and Gateway West have yielded a static pressure of 90 pounds per square inch (psi), a residual pressure of 80 (psi), and a discharge of 1,061 gallons per minute (gpm).
4. 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.
5. EPWU records indicate an active ¾-inch water meter with 3620 E. Missouri Avenue as the service address.

Sewer:

6. There is an existing 8-inch diameter sanitary sewer main along Stevens Street fronting the subject property.

General:

7. Application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. 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.

### **CITY PLAN COMMISSION OPTIONS**

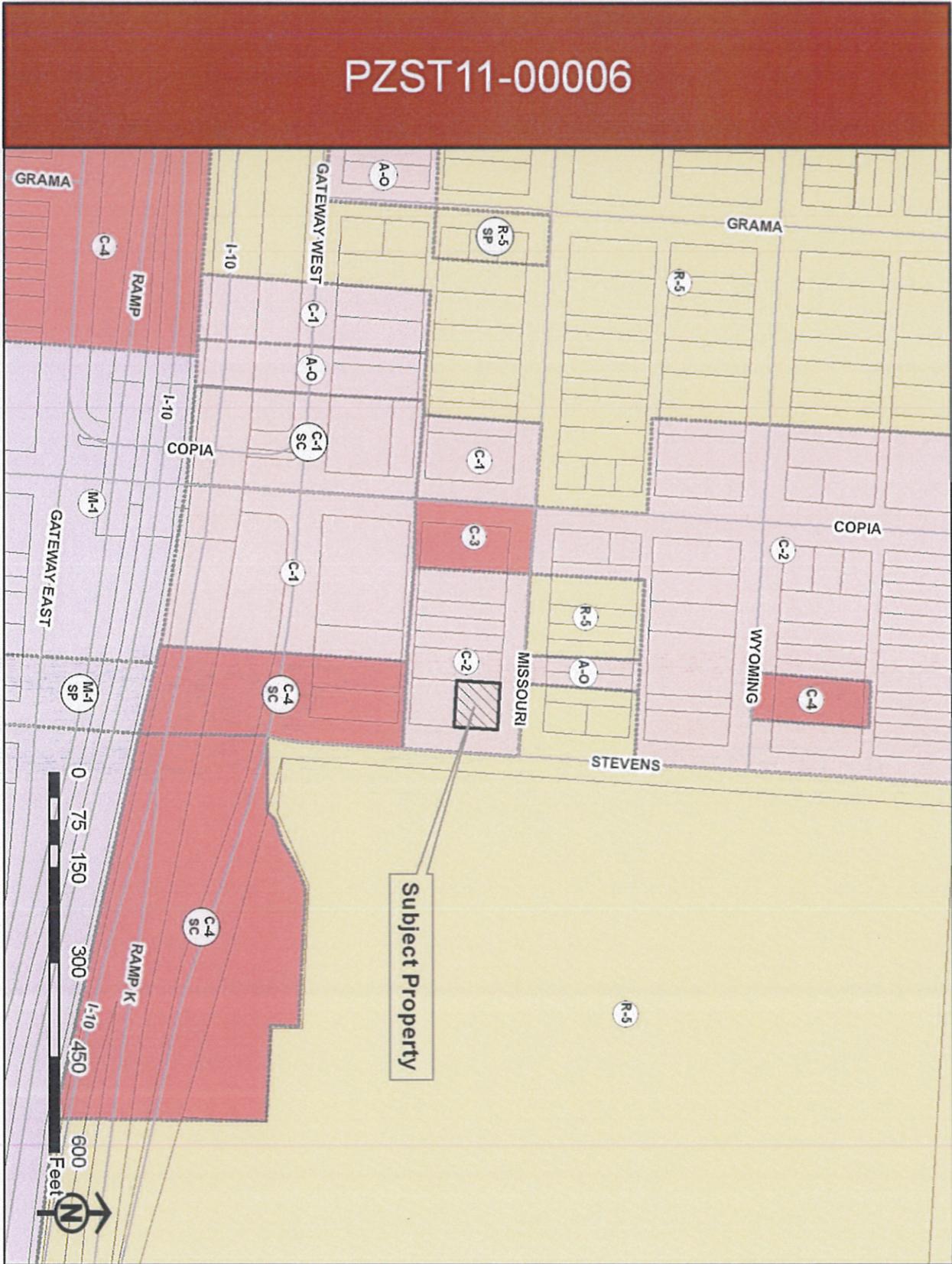
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

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. Location Map
2. Aerial Map
3. Detailed Site Plan
4. Support Letter

ATTACHMENT 1: LOCATION MAP

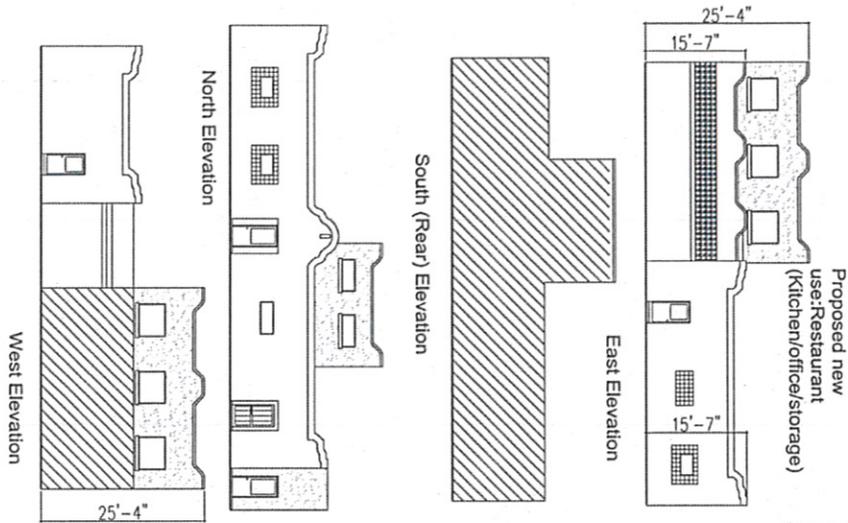


ATTACHMENT 2: AERIAL MAP

PZST11-00006



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

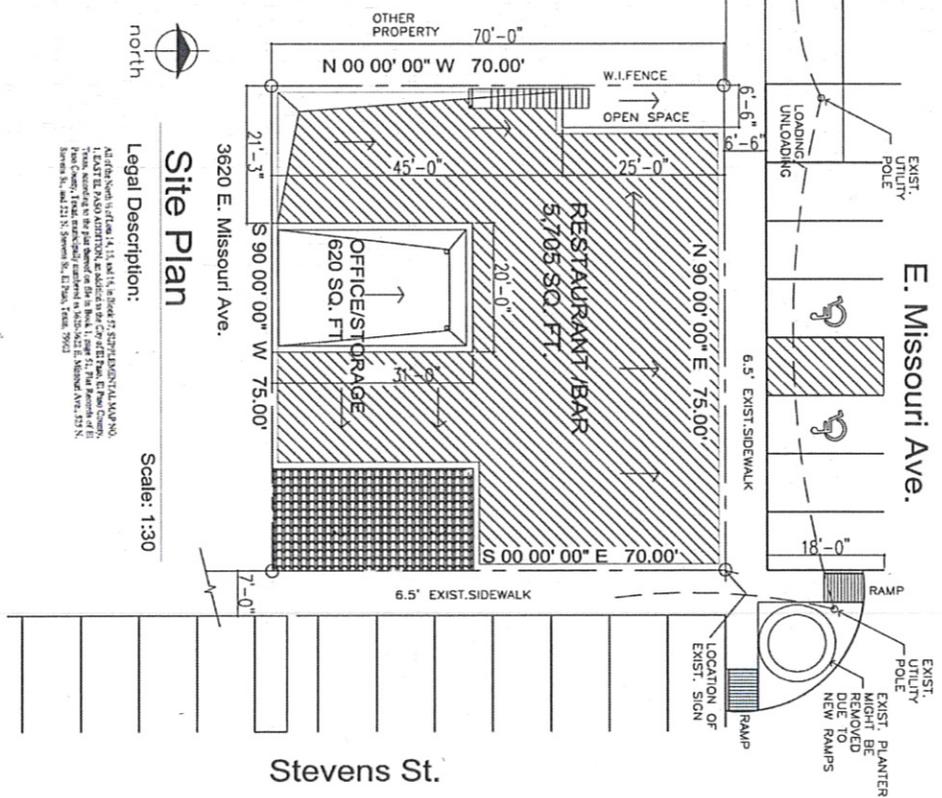


Proposed new use: Restaurant (Kitchen/office/storage)

Parking Requirement:  
 Restaurant: 1/100  
 5,705 sq. ft. / 100 = 57 spaces  
 Total Required: 60 parking spaces  
 Total Provided: 0 Parking spaces  
 100% reduction request.

Required Documentation List

- Structures: 5,705 sq. ft. total with addition per floor: 583 sq. ft.
- Lot Line: shown on site plan
- Required yard Set Backs: 75' x 75'
- Landscope: None, there is no open for landscaping.
- Open Spaces: only open space on plan
- Curb Cuts and Driveways: none
- Sidewalks as shown on site plan
- On-Site Parking loading: shown with parking in front. Shared parking Agreement
- Storm Water Detention: as shown on plan.
- Screen and fence: only one as shown on site plan.
- Utility High-of-way and easement: none
- East. Sign: see site plan.
- Dumpster to be located in East property (shown on site plan)
- East. Signer: might need to construction of new ramps end to be in compliance with current ADA/MS laws.



Site Plan

Legal Description:  
 3620 E. Missouri Ave.

Scale: 1:30

Address: South of 100' on 14, 13, and 14, 1/4 Block E. 227th Street, T4, M2, P20, 1 EAST 1/4 24th AERATION, 1/4 SECTION 10, CITY OF THE TOWN OF PEARL COUNTY, MISSOURI. The above described property is located in the 14th, 13th, and 14th, 1/4 Block E. 227th Street, T4, M2, P20, 1 EAST 1/4 24th AERATION, 1/4 SECTION 10, CITY OF THE TOWN OF PEARL COUNTY, MISSOURI. The above described property is located in the 14th, 13th, and 14th, 1/4 Block E. 227th Street, T4, M2, P20, 1 EAST 1/4 24th AERATION, 1/4 SECTION 10, CITY OF THE TOWN OF PEARL COUNTY, MISSOURI.



ATTACHMENT 4: SUPPORT LETTER

May 25, 2011

City Plan Commission  
c/o Planning Division  
5<sup>th</sup> Floor  
2 Civic Center Plaza  
El Paso, TX 79901

RE: CASE NO: PZST11-00006

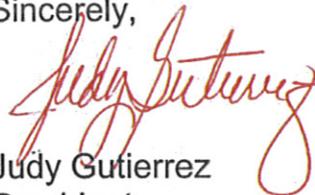
Dear Commission:

This letter is in support of the proposed expansion of the L&J Café located at 3620 E. Missouri by Mr. Leo Duran.

Mr. Duran has been an active member of the Five Points Development Association and is a great business partner for not only the Five Points area but for all of El Paso. We support this endeavor wholeheartedly.

Please feel free to contact me should you require any additional information.

Sincerely,



Judy Gutierrez  
President  
Five Points Development Association  
915-309-0318

July 18, 2011

Mr. Andrew Salloum

Planning and Economic Development

City Clerk's Office, #2 Civic Center Plaza

El Paso, TX 79901

**RECEIVED**

JUL 21 2011

CITY OF EL PASO  
DEVELOPMENT SERVICES  
DEPARTMENT

Dear Mr. Salloum,

I am the owner of the property at 3616 Missouri and I would like to offer my support to Mr. Leo Duran in his request for the Ordinance Granting Special Permit No. PZST11-00006, to allow for Infill Development and Parking Reduction. I support all the work that Mr. Duran has done over the years for the business community and his continuous involvement in the economic development of El Paso. I wholeheartedly endorse his request. Should you require additional information, you can reach me at 491-2220.

Respectfully,



Raul L. Munoz

Cc. Leo Duran