

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

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: January 9, 2018
Public Hearing: February 6, 2018

CONTACT PERSON/PHONE: Victor Morrison-Vega, (915) 212-1553, morrison-vegavx@elpasotexas.gov
Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance granting Special Permit No. PZST17-00024, to allow for parking spaces (serving another property) and imposing conditions on the property described as Lot 21, Block 2, revised map of Buena Vista Addition, 3469 Magdalena Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.240 of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 3469 Magdalena Avenue. Property Owner: Rosa's Restaurant, LLC. PZST17-00024 (**District 8**)

BACKGROUND / DISCUSSION:

On October 19, 2017, the CPC reviewed and recommended approval of the special permit request.

PRIOR COUNCIL ACTION:

There is no prior City Council action on this special permit application.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (3-2)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Morrison-Vega, Interim Director
Director, Planning and Inspection Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST17-00024, TO ALLOW FOR PARKING SPACES (SERVING ANOTHER PROPERTY) AND IMPOSING CONDITIONS ON THE PROPERTY DESCRIBED AS LOT 21, BLOCK 2, REVISED MAP OF BUENA VISTA ADDITION, 3469 MAGDALENA AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.240 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the Rosa's Restaurant, LLC, has applied for a Special Permit under Section 20.10.240 of the El Paso City Code to allow for a Parking spaces (serving another property); 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 **R-4 (Residential)** District:

Lot 21, Block 2, Revised Map of Buena Vista Addition, 3469 Magdalena Avenue, City of El Paso, El Paso County, Texas; and,

2. Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

a. That tree wells with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property line adjacent to any residential zoning or use. The trees shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy, and,

b. That vehicular and pedestrian access from Magdalena Avenue shall be prohibited.

ORDINANCE NO. _____

17-1007-2077 | 731878
3469 Magdalena Street
KMN

PZST17-00024

3. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for **Parking spaces (serving another property)** on the property described in Paragraph 1 of this Ordinance; and,

4. That this Special Permit is issued subject to the development standards in the **R-4 (Residential)** 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,

5. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. **R-4 (Residential)**, 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,

6. 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.

ADOPTED this ___ day of _____, 2018.

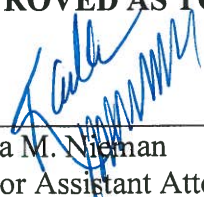
THE CITY OF EL PASO

ATTEST:

Dee Margo
Mayor

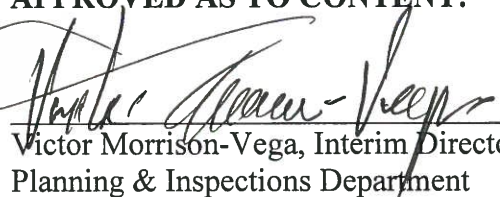
Laura D. Prine
Interim City Clerk

APPROVED AS TO FORM:



Karla M. Nieman
Senior Assistant Attorney

APPROVED AS TO CONTENT:



Victor Morrison-Vega, Interim Director
Planning & Inspections Department

AGREEMENT

Rosa's Restaurant, LLC, the Applicant 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 R-4 (RESIDENTIAL) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 14th day of December, 2017.

Rosa's Restaurant, LLC

Adolfo R. Tellez
(Signature)

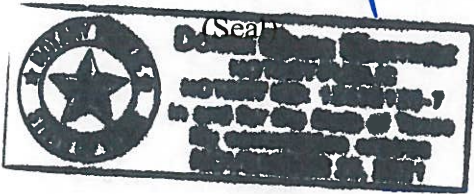
Adolfo R. Tellez
(Name/Title) Managing Partner

ACKNOWLEDGMENT

THE STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument is acknowledged before me on this 14th day of December, 2017, by Adolfo R. Tellez for Rosa's Restaurant, LLC as Applicant.



Diana Marie Martinez
Notary Public, State of Texas

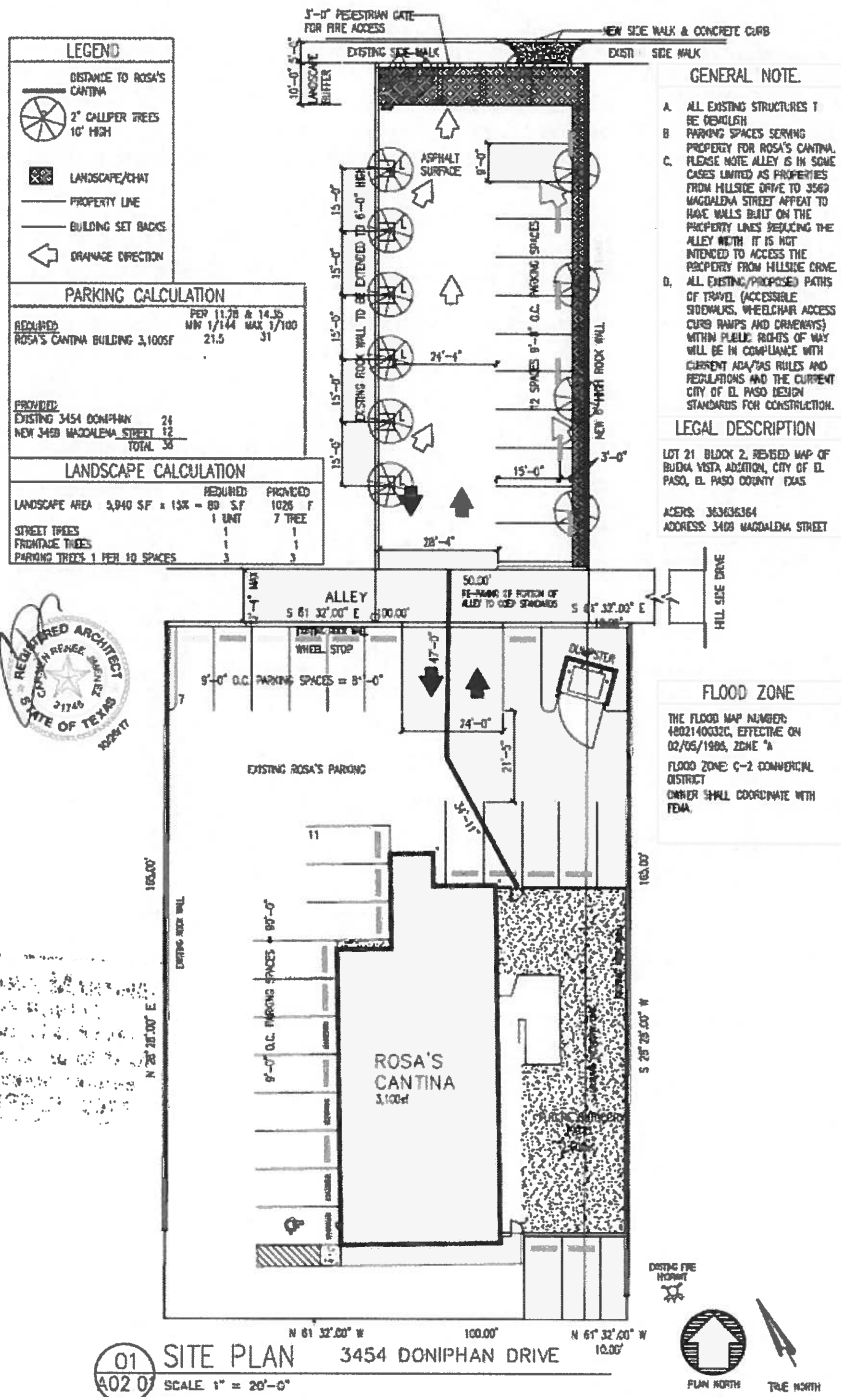
Signature

Diana Marie Martinez
Printed or Typed Name

My Commission Expires:

11/28/21

EXHIBIT "A"



ORDINANCE NO. _____
17-1007-2077 | 731878
3469 Magdalena Street
KMN

PZST17-00024

MEMORANDUM

DATE: February 1, 2018 (Updated)
TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager
FROM: Andrew Salloum, Senior Planner
SUBJECT: PZST17-00024

The City Plan Commission (CPC), on October 19, 2017, voted 3-2 to recommend **approval** of the special permit to allow a parking lot to be used by a restaurant within approximately 15 feet of the restaurant/bar location, as it complies with Sections 20.04.260, Special Permit, and 20.04.150, Detailed Site Development Plan with the following condition:

1. *That tree wells with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property line adjacent to any residential zoning or use. The trees shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *That vehicular and pedestrian access from Magdalena Avenue shall be prohibited.*

The CPC found that the special permit is in conformance with 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 effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

The Planning Division received 3 phone calls, 1 letter, and a petition with 21 signatures in opposition to the special permit request, see attachment 5 and 6.

The Planning Division also received a new petition with 12 signatures in opposition to the special permit request.

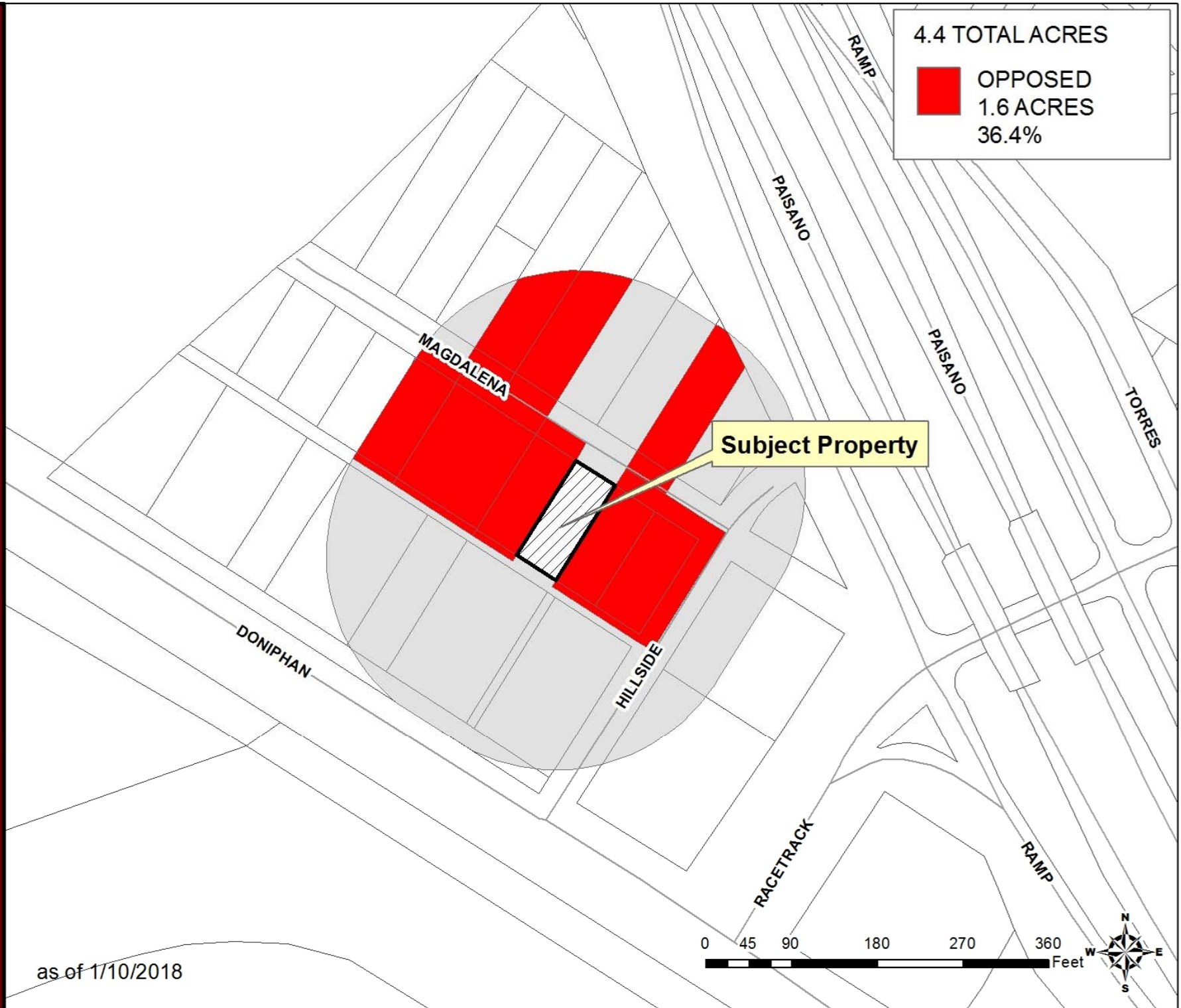
Two residents attended the CPC hearing and spoke against the special permit request.

This case is a 211 and will require a supermajority vote of City Council for approval of the special permit request.

Property Owner: Rosa's Restaurant, LLC
Representative: Adolpho R. Telles

Attachments:
211 Map – updated
New petition with 12 signatures in opposition
Staff Report

PZST17-00024



as of 1/10/2018

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3478 Magdalena Avenue**

Property Owner: **Marilou F Lopez**

Property Owner's Phone Number:

Preferred Language:

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x 

Marilou F Lopez

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3482 Magdalena Avenue**

Property Owner: **Rafael & Alicia Lagos**

Property Owner's Phone Number:

Preferred Language:

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x Rafael Lagos

Rafael & Alicia Lagos

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3467 Magdalena Avenue**

Property Owner: **David & Alicia Saldana**

Property Owner's Phone Number:

Preferred Language: *Espanol*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x *David Saldana*

David & Alicia Saldana

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **125 Hillside Avenue**

Property Owner: **David & Alicia Saldana**

Property Owner's Phone Number:

Preferred Language: *español*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,


x David Saldana

David & Alicia Saldana

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3490 Magdalena Avenue**

Property Owner: **Guadalupe Aguirre**

Property Owner's Phone Number:

Preferred Language: *español*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x 

Guadalupe Aguirre

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3487 Magdalena Avenue**

Property Owner: **Margarita Lagos**

Property Owner's Phone Number:

Preferred Language: *español*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x 

Margarita Lagos

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3466 Magdalena Avenue**

Property Owner: **Esteban Rodriguez**

Property Owner's Phone Number:

Preferred Language: *español*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

A handwritten signature in black ink, appearing to read 'Esteban Rodriguez', is written over a horizontal line. A small 'x' is visible at the start of the line.

Esteban Rodriguez

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3494 Magdalena Avenue**

Property Owner: **Evangelina S Gonzalez**

Property Owner's Phone Number:

Preferred Language: *espanol*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x _____

Evangelina S Gonzalez

Evangelina S Gonzalez

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date: 27 Nov 17

Property Location: 3491 Magdalena Avenue

Property Owner: Gustavo Monroy

Property Owner's Phone Number: (915) 373-4039

Preferred Language: English

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

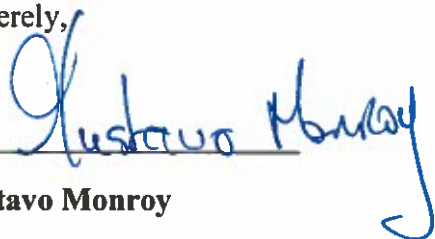
It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x



Gustavo Monroy

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date: 11-10-17

Property Location: 3495 Magdalena Avenue

Property Owner: Herrera Investment Properties, LLC

Property Owner's Phone Number: 915-355-9207

Preferred Language: English

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

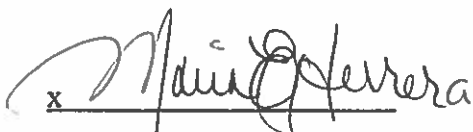
Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x 

Herrera Investment Properties, LLC

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3473 Magdalena Avenue**

Property Owner: **Luis & Rachel Medrano**

Property Owner's Phone Number: *915 433-0408*

Preferred Language: *English*

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x *Luis Medrano* *Rachel Medrano*

Luis & Rachel Medrano

**DECLARATION OPPOSING
THE
APPLICATION FOR A SPECIAL PERMIT (PZST17-00024)
TO
3469 MAGDALENA**

Today's Date:

Property Location: **3481 Magdalena Avenue**

Property Owner: **Mercedes Gomez**

Property Owner's Phone Number: **(915) 778-4311**

Preferred Language:

Being the property owner identified above, I hereby **DECLARE MY OPPOSITION** to the granting of a Special Permit to the owner of 3469 Magdalena (Rosa's Restaurant, LLC).

I oppose the property being converted into a parking lot or any other use than R-4 (residential).

Permitting Rosa's Cantina to convert a home into a parking lot would initiate a process of neighborhood deterioration. It would begin to break up our close-knit community. I own and/or have lived on Magdalena for decades. To see my neighborhood turn into a site of debauchery where human waste will follow, is a violation of our familial human rights and lack of common decency.

It is common knowledge this restaurant known as Rosa's Cantina is not the historic location mentioned in Marty Robbins' song, "El Paso" released in 1959. To perpetuate this lie to the world is not only unethical but, also immoral.

You may reach me at the telephone number noted above should you have any questions.

I give permission for Gustavo Monroy and/or Rick Medrano, both neighbors, to speak on my behalf on anything directly related to this parking issue on Magdalena and my opposition.

Sincerely,

x Mercedes L. Gomez

Mercedes Gomez



City of El Paso – City Plan Commission Staff Report

Case No: PZST17-00024
Application Type: Special Permit
CPC Hearing Date: October 19, 2017
Staff Planner: Andrew Salloum, (915) 212-1603, salloumam@elpasotexas.gov

Location: 3469 Magdalena Avenue
Legal Description: Lot 21, Block 2, Revised Map of Buena Vista Addition, City of El Paso, El Paso County, Texas
Acreage: 0.14 acres
Rep District: 8
Existing Zoning: R-4 (Residential)
Existing Use: Vacant
C/SC/SP/ZBA/LNC: None
Request: Parking spaces (serving another property)
Proposed Use: Parking lot for a restaurant/bar

Property Owner: Rosa's Restaurant, LLC
Representative: Adolpho R. Telles

SURROUNDING ZONING AND LAND USE

North: R-4 (Residential) / Single-family dwellings
South: C-2 (Commercial) / Rosa's Restaurant and Cantina
East: R-4 (Residential) / Single-family dwellings
West: R-4 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-war (Northwest Planning Area)

NEAREST PARK: Buena Vista Park (3,548 feet)

NEAREST SCHOOL: Zach White Elementary (12,848 feet)

NEIGHBORHOOD ASSOCIATIONS

Buena Vista Neighborhood Association
Upper Valley Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 4, 2017. The Planning Division has not received any communication in support or opposition to the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan approval to allow for a parking lot to be used by a restaurant within approximately 15 feet of the restaurant/bar location. The detailed site development plan shows 12 parking spaces being provided. Parking spaces serving another property is a permitted use in the R-4 (Residential) zone district with the approval of a special permit as per Section 20.04.260. Access to the subject property is proposed from Doniphan Drive via the alley.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review, as it complies with Sections 20.04.260, Special Permit, and 20.04.150, Detailed Site Development Plan with the following condition:

That tree wells with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property line adjacent to any residential zoning or use. The trees shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

ANALYSIS

Parking spaces (serving another property) is a permitted use in R-4 (Residential) zone district with an approved Special Permit and Detailed Site Development Plan as identified by the zone district use 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.

20.04.320 Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
 - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
 - 2. The proposed development is in accordance with and in furtherance of the plan for El Paso, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
 - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
 - 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
 - 5. The design of the proposed development mitigates substantial environmental problems;
 - 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
 - 7. The proposed development is compatible with adjacent structures and uses;
 - 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its no applicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the no applicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

The application meets all of the requirements for special permit.

20.10.410 Off-street parking (serving another property).

- A. Any otherwise permitted use for which the off-street parking requirements of Chapter 20.14 are to be satisfied by off-street parking spaces on property which is located on a separate site from the property requiring the off-street parking spaces, and for which the following can be demonstrated:
1. The parking area is compatible with the general development of the neighborhood and does not adversely affect the use of adjacent properties;
 2. The parking area is so arranged as to permit sufficient space for parking spaces and turning maneuvers, as well as adequate ingress and egress to the site;
 3. Lighting shall comply with Chapter 18.18 (Dark Sky Ordinance) of this Code;
 4. The parking area is located in such a manner from the site generating the parking requirement to assure that such parking facility will adequately serve the use;
 5. Access to be provided to the parking area shall not be through private property that is not zoned to permit the use generating the off-street parking;
 6. Adequate provisions shall be made to assure that the parking area is reasonably identifiable as to the patronage it serves, the location, points of access, hours of operation and other appropriate matters made as a condition of the special permit approval;
 7. The parking spaces required to be provided for the use shall be restricted to that use;
 8. Any off-street parking spaces to be provided on the site generating the off-street parking requirement shall be used to accommodate required handicapped accessible spaces and patron parking;
 9. The parking area shall be owned or leased by the same property owner who operates the use generating the off-street parking requirement, and any leasehold interest in the parking area shall be validly held for the duration of the use.
- B. Off-street parking spaces serving another property which are located partially or totally on a separate site from the property requiring the off-street parking spaces.

Site plan demonstrates compliance with Section 20.10.410.

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required as part of the special permit application.

20.04.150 Procedure.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and

arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and storm water drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.

4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan, and it meets all 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 stock and add missing civic and commercial uses.

The purpose of the R-4 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The Planning Division recommendation is based on the compatibility with the G-3, Post-War land use designation through the addition of missing commercial uses provided to surrounding neighborhoods within the area of the existing vacant lots and reducing travel and infrastructure needs.

Plan El Paso - Goals & Policies

Goal 2.2: The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.

Policy 2.2.5: The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.

The Planning Division recommendation is based on the addition of commercial uses and employment opportunities provided to surrounding neighborhoods within the area which is zoned for residential and commercial uses, while also reducing travel and infrastructure needs through the mix of uses proposed.

COMMENTS:

Planning and Inspections Department - Planning Division - Transportation

No objections to the special permit and detailed site development plan.

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.

Street and Maintenance Department

For the alley access that it shall be paved to DSC standards, from the limits of Hillside Drive to the most westerly property boundary of the 3467 Magdalena Avenue.

Planning and Inspections Department – Building and Development Permitting

No objections to proposed special permit.

As provided the required landscape area is provided but, is lacking required bushes.

At the time of submittal for building permits the project will need to comply with all applicable provisions of the landscape code, IBC and TAS.

Planning and Inspections Department - Land Development

1. No objections to the special permit and detailed site development plan.
2. Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that storm-water is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

Fire Department

Recommend approval.

Sun Metro

No comments received.

El Paso Water Utilities

1. EPWater does not object to this request.

Water:

2. There is an existing 6-inch diameter water main extending along the north side of Magdalena Ave., approximately 8-feet south of and parallel to the northern right-of-way line of Magdalena Ave. This water main is available for service.

3. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 3469 Magdalena Ave.

4. Previous water pressure from fire hydrant #1439 located at the southwest corner of Magdalena Ave. and Hillside Dr., has yielded a static pressure of 82 psi, a residual pressure of 64 psi, and a discharge of 787 gallons per minute.

Sanitary Sewer:

5. There is an existing 8-inch diameter sanitary sewer main extending along the south side of Magdalena Ave., approximately 12.5-feet north of and parallel to the southern right-of-way line of Magdalena Ave. This sanitary sewer main is available for service.

6. There are an existing 36-inch diameter dual force mains extending along the center line of Magdalena Ave. No direct service connections are allowed to this force mains.

General:

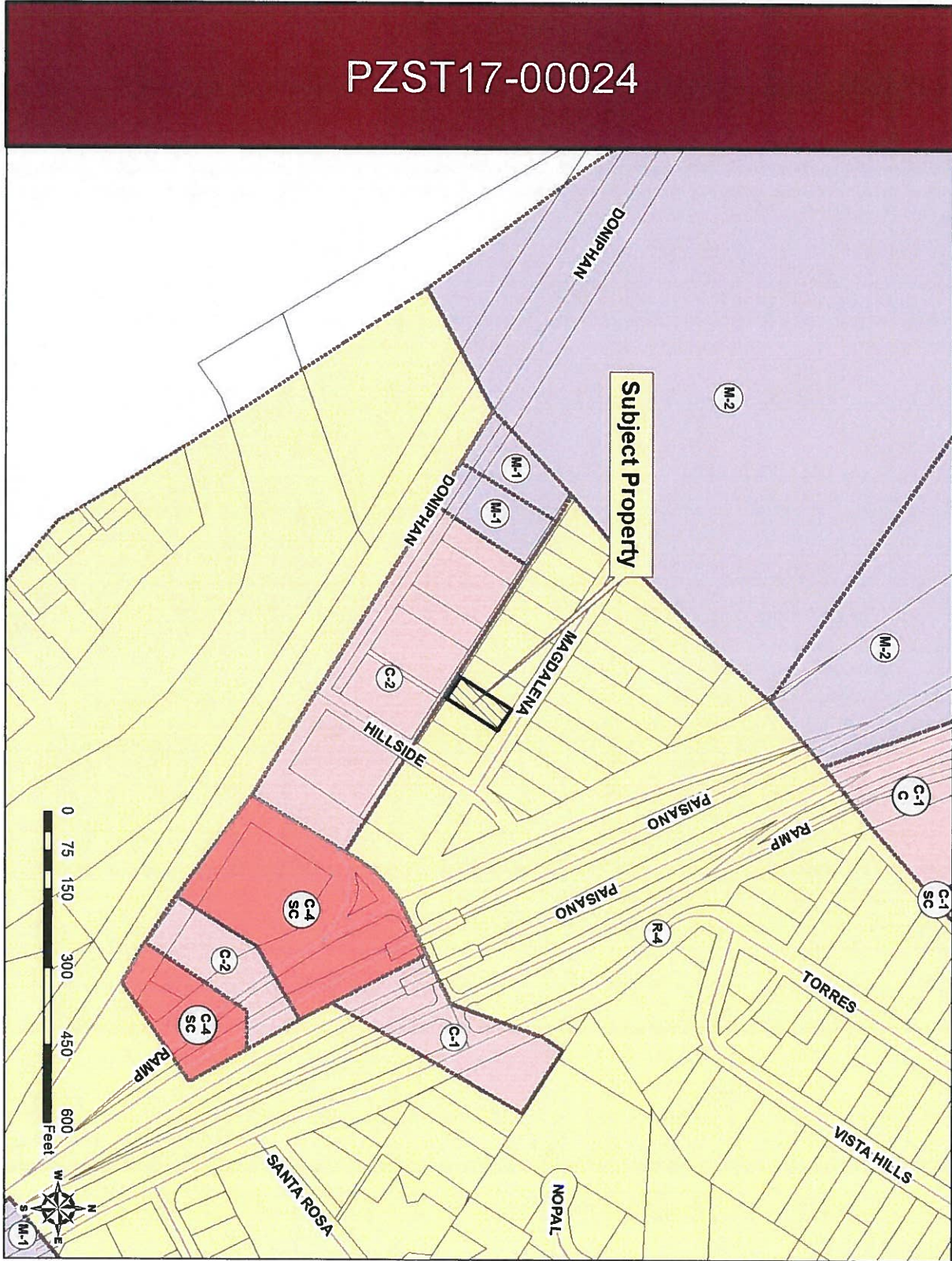
7. EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage 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 EPWater 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. Future Land Use Map
4. Detailed Site Development Plan
5. Petition In Opposition
6. Letter In Opposition

ATTACHMENT 1: ZONING MAP

PZST17-00024

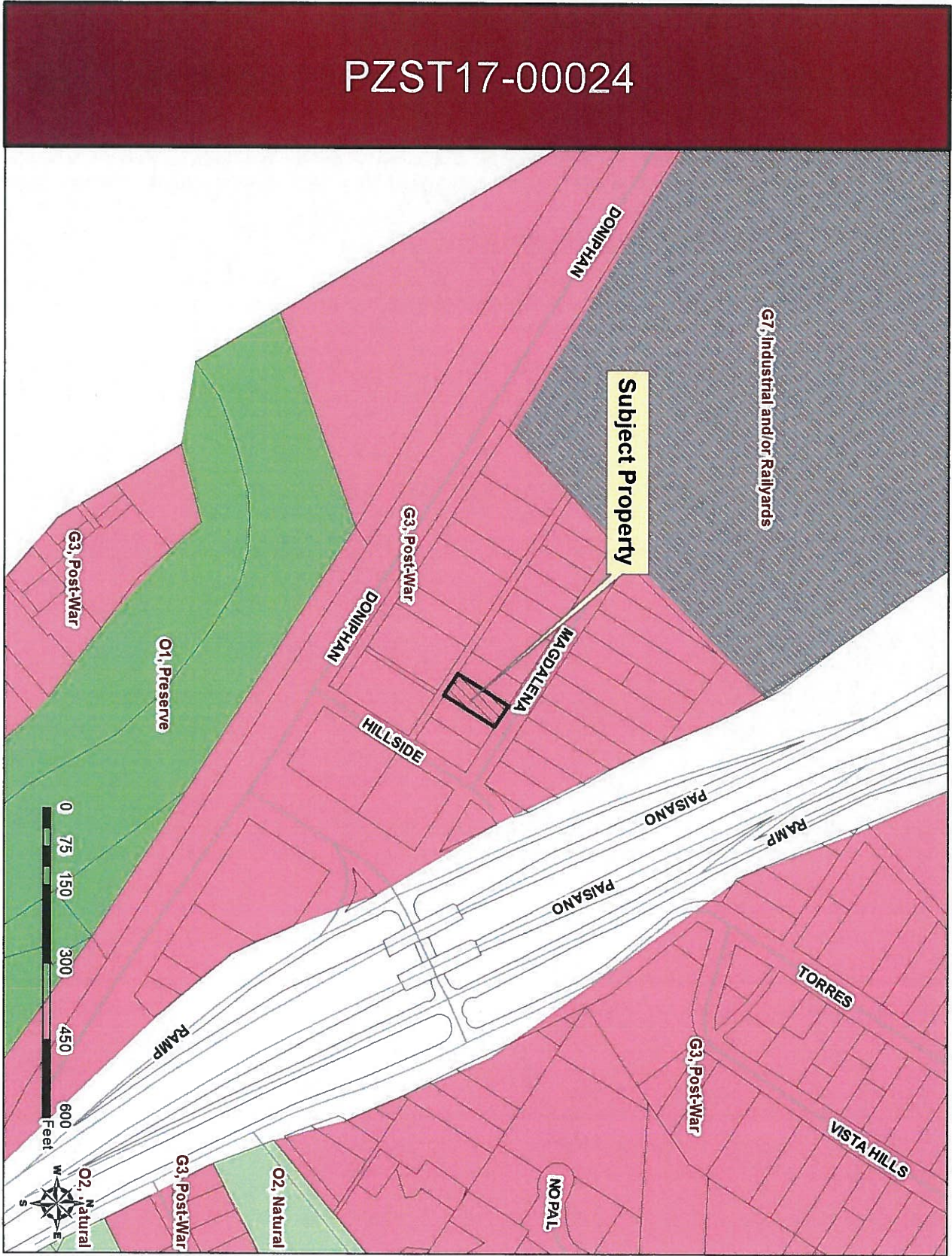


ATTACHMENT 2: AERIAL MAP

PZST17-00024



ATTACHMENT 3: FUTURE LAND USE MAP



ATTACHMENT 5: PETITION IN OPPOSITION

Case #: PZST17-00024

Dear Sir or Madam,

The following details concerns regarding building a parking lot for Rosa's Cantina on 3469 Magdalena St. The proposed lot is located in the middle of an established neighborhood and raises many issues including the following:

1. Excessive noise; Currently there are many loud motorcycles that visit the establishment and it will exasperate the situation by placing a parking lot in the middle of the neighborhood.
2. There are many elderly residents in the neighborhood.
3. Traffic safety issue; The area only has one access point, and increasing commercial traffic in the neighborhood will cause safety issues. Magdalena St. is currently not wide enough to support commercial traffic. In addition, the increased traffic will impede access of emergency vehicles to the neighborhood.
4. Access is currently restricted by a wall fence located between the neighborhood and the establishment. With the creation of the parking lot, people will be parking within the neighborhood and using the lot as an access to the establishment. Currently there is not enough parking for residents and this will make the problem worse.
5. There will be more instances on cussing and urinating in public. The incidents currently happen; the current wall fence blocks a lot of that from view of the neighborhood. There are many children that play in the neighborhood.
6. There is another empty lot available north of the establishment for expansion.
7. Increase of trash being thrown into private property adjacent to the lot.
8. There is a high pressure line in the alley between the proposed parking which may be an issue in placing a road over the line.

Case #: PZST17-00024

Concerns regarding building a parking lot for Rosa's Cantina on 3469 Magdalena St.

Name (Print)	Address	Phone	Signature	Date
Raquel	3473 Magdalena	915 433-0408	Raquel Medrano	10-16-17
Luis Medrano	3473 Magdalena	433-0408	Luis Medrano	10-17-17
Alba Saldan	3478 Magdalena	915 9963426	Alba Saldan	10-16-17
Guadalupe Rodriguez	3466 Magdalena	(915) 246-7836	Guadalupe	10-16-17
Gilbert Jimenez	3475 Magdalena Ave	915 305-7406	Gilbert Jimenez	10/14/17
Mike Medina	3486 Magdalena	915 251-6779	Mike Medina	10/16/17
Rafael Lopez	3482 Magdalena	276-6010	Rafael Lopez	10/16/17
Fernando Hernandez	3487 Magdalena	915 276 0107	Fernando Hernandez	10/16/17
Margonith	3489 Rosa Magdalena	521-2632	Margonith	10/17-17
Veronica Gonzalez	3494 Apt B Magdalena	(915) 7319902	Veronica Gonzalez	10-17-17
Evangelina	3494 Apt B Magdalena	915 7319996	Evangelina	10-17-17
Guadalupe	3494 Magdalena	915 768254	Guadalupe	10-17-17
Pedro Caro	3494 Magdalena		Pedro Caro	10-17-17
Maria Gonzalez	3481 Magdalena	(915) 305-0651	Maria Gonzalez	10-17-17

ATTACHMENT 6: LETTER IN OPPOSITION

October 13, 2017

CPC c/o Planning Division
P O BOX 1890
El Paso, Tx 79950-1890

RE: Rosa's Restaurant
3469 Magdalena
Lot 21, Block 2,
Revised Map of Buena Vista Addition
City of El Paso, El Paso County, Texas

Case No. PZST17-00024

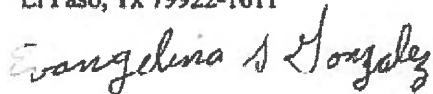
The above request for parking space is listed under Rosa's Restaurant; however, is also known as Rosa's Cantina.

We oppose this request for special permit as this would bring in more traffic, late drinkers, noise, and influential violence in a family-oriented neighborhood.

Magdalena Street is a residential dead-end street and should remain residential for the families that live on this street.

Please Reconsider.

Eva Gonzalez
3494 Magdalena
El Paso, Tx 79922-1611





Recommendation/Public Input

- **Planning Division recommendation:** Approval
- **CPC Vote:** Approval Recommendation (3-2)

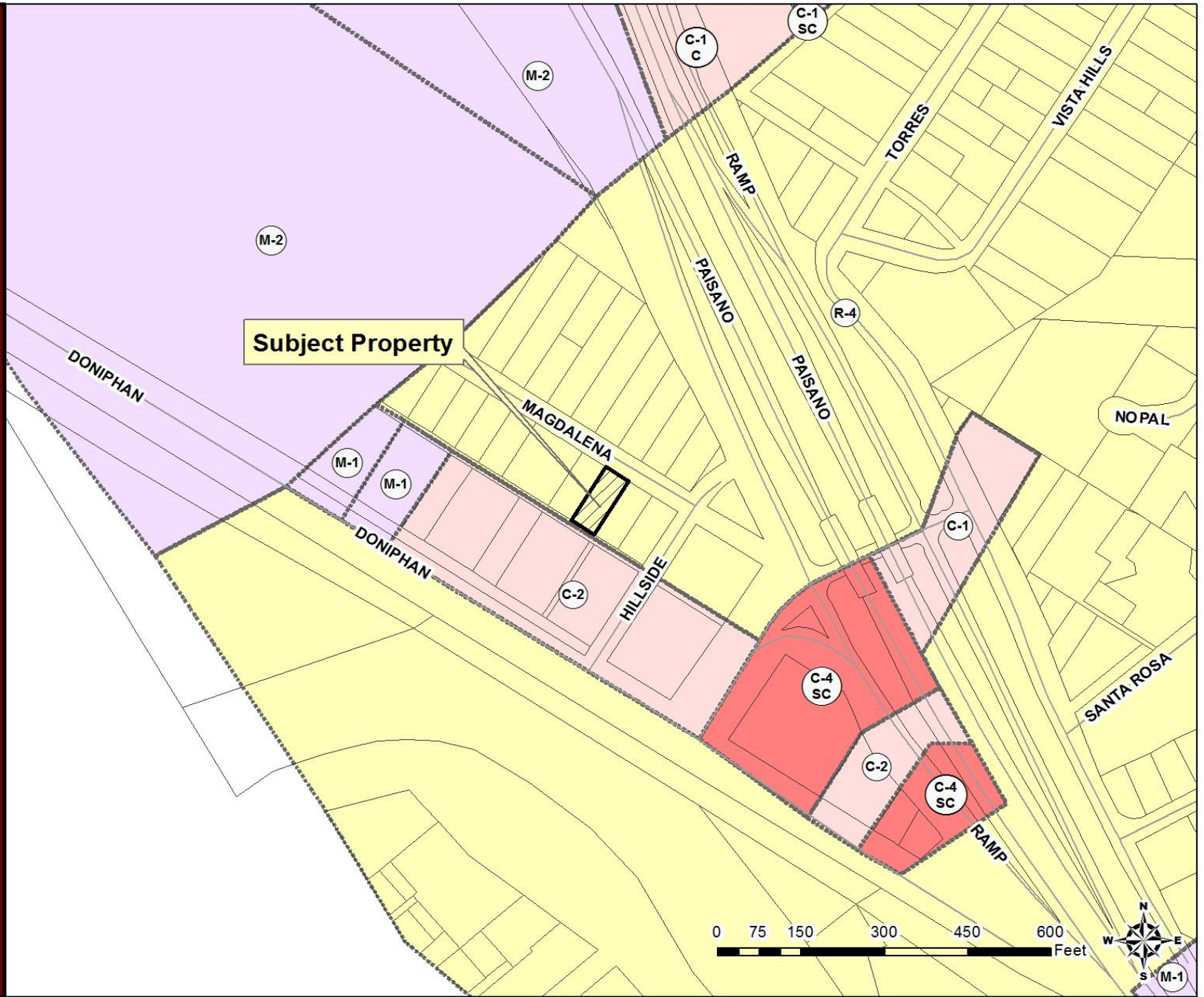
Public Input: The Planning Division received 3 phone calls, 1 letters, and a petition with 21 signatures in opposition to the special permit request.

Two residents attended the CPC hearing and spoke against the special permit request.

Strategic Goal #3 Promote the Visual Image of El Paso

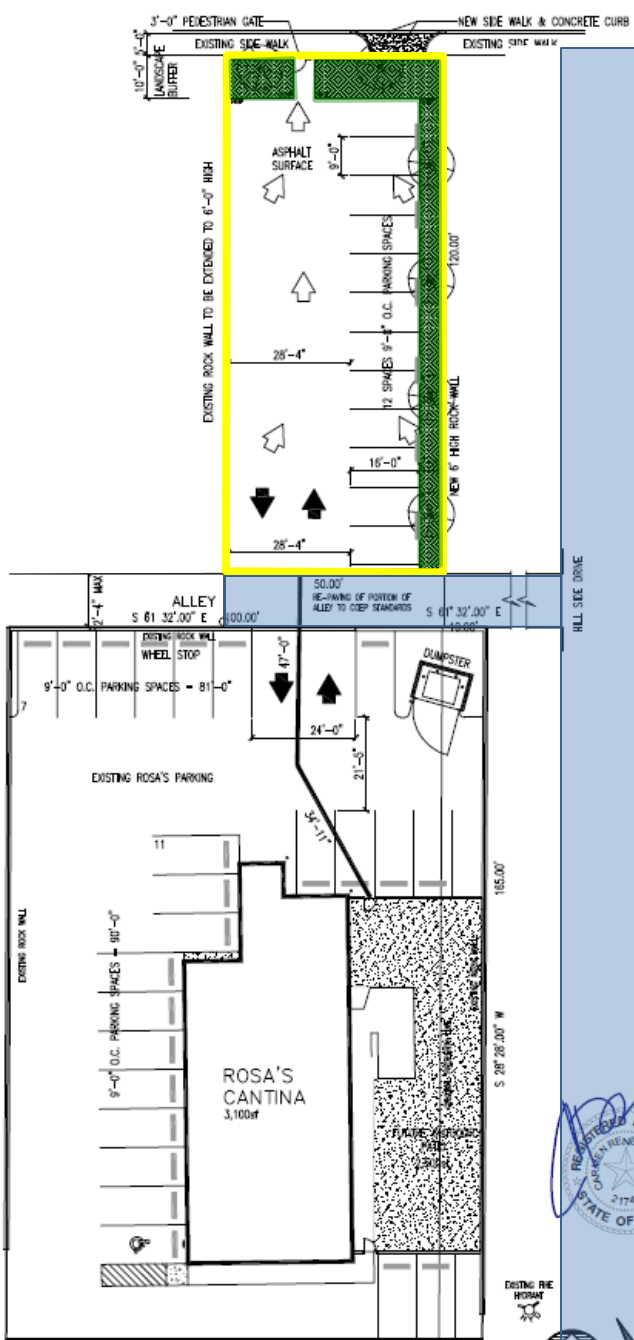
- 3.1 Provide business friendly permitting and inspection processes
- 3.2 Improve the visual impression of the community

PZST17-00024



PZST17-00024





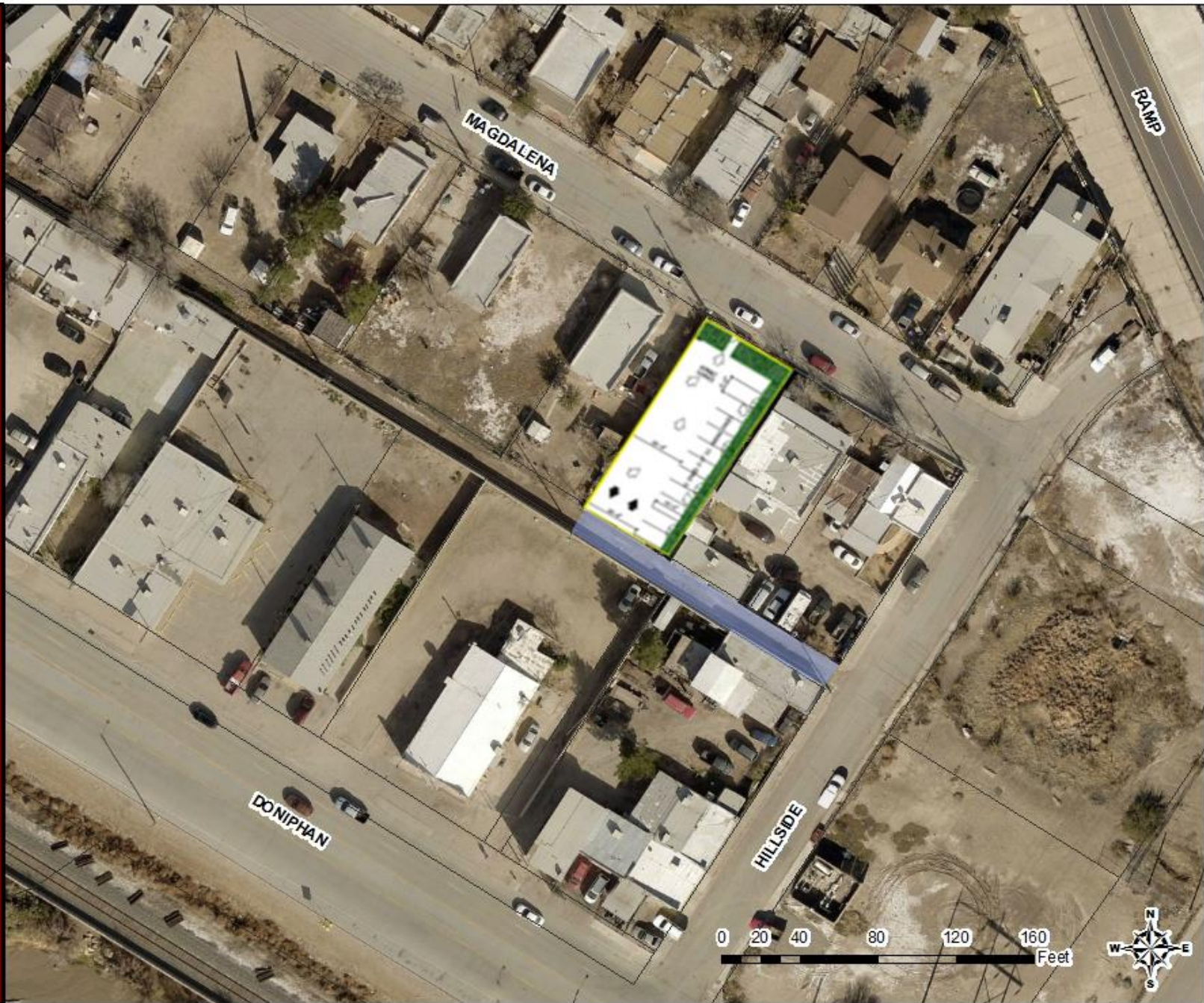
01
A02.0

SITE PLAN 3454 DONIPHAN DRIVE

SCALE: 1" = 20'-0"



PZST17-00024





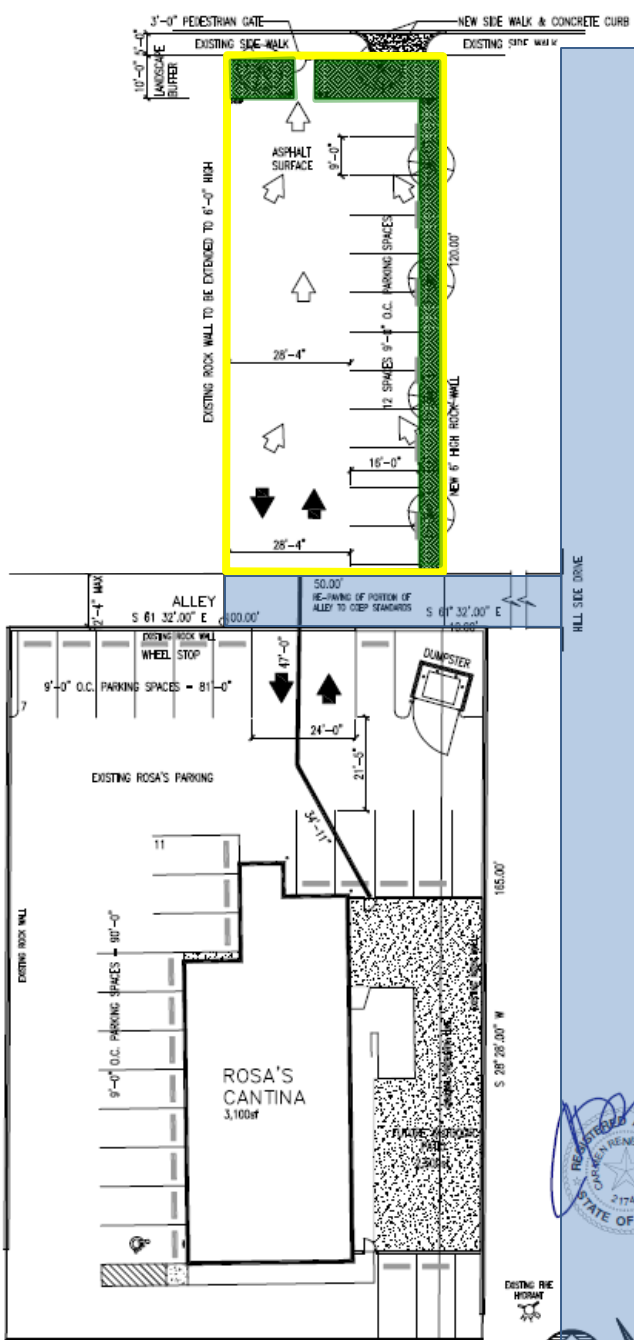
1271431

Subject Property



Alley





01
A02.0

SITE PLAN 3454 DONIPHAN DRIVE
SCALE: 1" = 20'-0"



TRUE NORTH

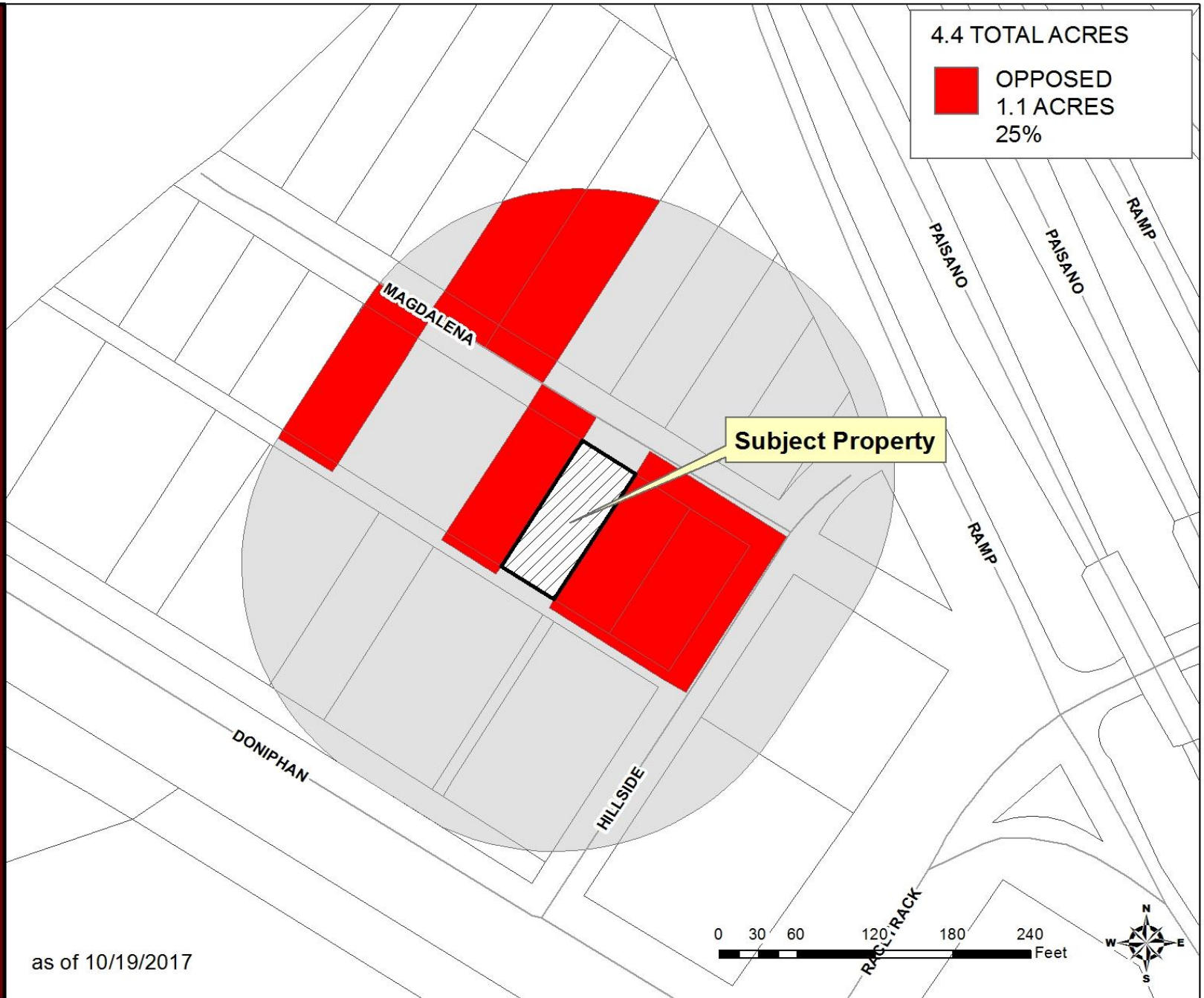


The City Plan Commission (CPC), on October 19, 2017, voted 3-2 to recommend approval of the special permit to allow a parking lot to be used by a restaurant within approximately 15 feet of the restaurant/bar location, as it complies with Sections 20.04.260, Special Permit, and 20.04.150, Detailed Site Development Plan with the following condition:

1. That tree wells with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property line adjacent to any residential zoning or use. The trees shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.

2. That vehicular and pedestrian access from Magdalena Avenue shall be prohibited.

PZST17-00024



as of 10/19/2017