

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

DEPARTMENT: Development Services - Planning Division
AGENDA DATE: Introduction 04/17/07; Public Hearing 05/08/07
CONTACT PERSON/PHONE: Esther Guerrero, Planner – 541-4720
DISTRICT(S) AFFECTED: #8

SUBJECT:

An Ordinance changing the zoning of Lot 26 and portions of Lots 25 and 27, Block 91, East El Paso Subdivision, City of El Paso, El Paso County, Texas, from R-5 (Residential) to S-D (Special Development), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3414 Montana Avenue. Applicant: Carlos & Laura Aguilar. ZON06-00156 (District 8)

BACKGROUND / DISCUSSION:

See attached report

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 26 AND PORTIONS OF LOTS 25 AND 27, BLOCK 91, EAST EL PASO SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-5 (RESIDENTIAL) TO S-D (SPECIAL DEVELOPMENT), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Lot 26 and portions of Lots 25 and 27, Block 91, 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", incorporated by reference, be changed from **R-5 (Residential)** to **S-D (Special Development)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density 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: *"Automotive services and fueling stations are prohibited."*

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Kimberly Forsyth, Senior Planner
Development Services Department

07 APR -9 AM 8:55
CITY CLERK DEPT.

DORADO ENGINEERING, INC.

2717 E. Yandell El Paso, Texas 79903 (915) 562-0002 Fax (915) 562-7743

3414 Montana
East El Paso Addition, Block 91, Lot 26
And a Portion of Lot 25 & 27

Metes And Bounds description of a parcel of land out of East El Paso Addition, Block 91, Lot 26 and a portion of Lots 25 & 27, El Paso County, El Paso, Texas and being more particularly described as follows:

From a city monument located ten and no hundredths (10.00) feet North and East of the centerline intersection of Luna Street and Montana Avenue; thence South 89° 35' 00" East along a monument line of Montana Avenue a distance of one hundred sixty and no hundredths (160.00) feet to a point; thence South 00° 25' 00" West a distance of forty five and no hundredths (45.00) feet to a corner, said corner lying on the Southerly Right-of-Way line of Montana Avenue and also being the point of beginning for this parcel of land;

Thence South 89° 35' 00" East along said Right-of-Way line of Montana Avenue a distance of forty five and no hundredths (45.00) feet to a corner, said corner being the Northeasterly corner of this parcel of land;

Thence South 00° 25' 00" West a distance of one hundred forty and no hundredths (140.00) feet to a corner, said corner lying on the Northerly Right-of-Way of a 20' alley in Block 91, East El Paso Addition and also being the Southeasterly corner of said parcel of land;

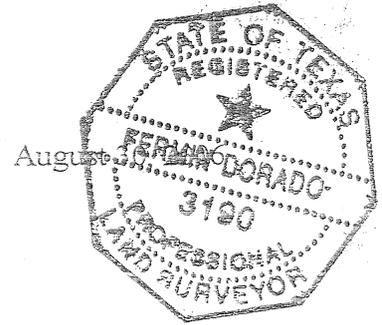
Thence along said Right-of-Way line of said alley a distance of forty five and no hundredths (45.00) feet, a bearing of North 89° 35' 00" West to a corner, said corner being the Southwesterly corner of said parcel of land;

Thence North 00° 25' 00" East a distance of one hundred forty and no hundredths (140.00) feet to a corner, said corner being the Northwesterly corner and also being the point of beginning for this parcel of land.

Said parcel of land contains 6,300 square feet or 0.1446 acres more or less.

CITY CLERK DEPT.
07 APR -9 AM 8:56

Fermin Dorado, R.P.L.S.



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT, PE, CB
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING



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

**DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

April 6, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: ZON06-00156

The City Plan Commission (CPC), on March 15, 2007, voted **(6-0)** to recommend **approval** of the rezoning from R-5 (Residential) to S-D (Special Development) and **imposing a condition** that would restrict the property to be used for "automotive services and fueling stations."

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map, which designates the subject property for residential and commercial land uses. The CPC also determined that this rezoning 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 effect of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no one present at the meeting in support or opposition to this rezoning request. Five (5) letters of support from abutting owners were received.



ZON06-00156

Application Type: Rezoning
Property Owner(s): Carlos and Laura Aguilar
Representative(s): Esteban Sansores
Legal Description: Lot 26 and portions of Lots 25 and 27, Block 91, East El Paso Addition, City of El Paso, El Paso County, Texas

Location: 3414 Montana Avenue

Representative District: 8 **Area:** 0.145 Acres

Present Zoning: R-5 (Residential) **Present Use:** Residential

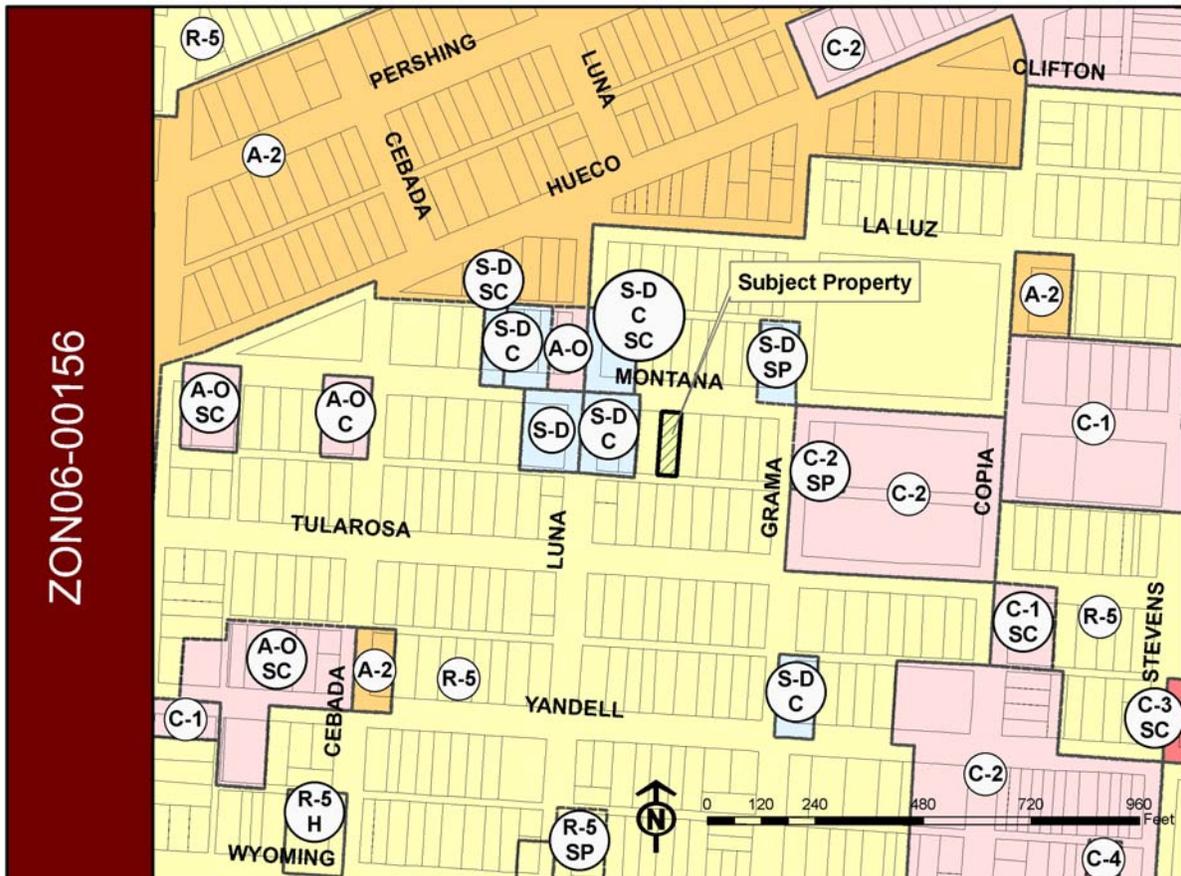
Proposed Zoning: S-D (Special Development)

Recognized Neighborhood Associations Contacted: A Presidential Neighborhood Association
Five Points Neighborhood Association

Public Response: None

Surrounding Land Uses: **North:** R-5 / Single-family Residential; **South:** R-5 / Single-family Residential, **East:** R-5 / Single-family Residential, **West:** R-5 / Single-family Residential; S-D/c / Office

Year 2025 Designation: Residential and Commercial (Central Planning Area)



General Information

The request is for rezoning from R-5 (Residential) to S-D (Apartment/Office) in order to permit a real estate office and jewelry shop. The property is 0.145 acres in size with a vacant single-family structure on site. The site plan proposes the conversion of the single-family structure to an office building. Access is proposed via the alley to the south with four parking spaces provided. There are no zoning conditions currently on this property.

The City Plan Commission (CPC) on January 18, 2007 recommended denial of the original request for S-D (Special Development) zoning, concurring with the recommendation of the Development Coordinating Committee. Neither the applicant nor his representatives were present at the meeting. The applicant requested reconsideration from the Development Coordinating Committee (DCC) for S-D (Special Development) zoning and is now requesting that the CPC reconsider S-D zoning as well.

Staff Recommendation

The Development Coordinating Committee (DCC) after reconsideration has unanimously recommended **DENIAL** of this request for rezoning from R-5 (Residential) to S-D (Special Development) zoning and recommends A-O (Apartment/Office) zoning instead.

This same recommendation was given by the DCC on January 10, 2007 for denial of the S-D (Special Development) zoning and recommended approval of the A-O (Apartment/Office) zoning instead. The immediate land uses to the east, west and south of this parcel are residential with apartment zoning to the north, more similar to A-O (Apartment/Office) zoning.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide a pattern of commercial and office development which best serves community needs”.
- **The Year 2025 Projected General Land Use Map** for the **Central** Planning Area designates this property for Residential and Commercial land uses.
- **A-O (Apartment/Office) zoning** permits office development and **is compatible** with adjacent development.

Findings

The Commission must determine the following:

- A. Will the S-D (Special Development) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will retail and office development be compatible with adjacent land uses?
- C. What is the relation of the proposed change to the Comprehensive Plan?
- D. What effect will the rezoning have upon the natural environment social and economic conditions and property values in the vicinity and in the City as a whole?

Development Services Department - Building Permits Division Notes

Real estate office permitted on proposed S-D district. Property meets minimum district setback requirements. A six foot high masonry screening wall along property lines abutting residential district will be required.

Development Services Department - Planning Division Notes

- A. The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property for commercial and residential land uses.
- B. A-O (Apartment/Office) zoning permits office development and is compatible with adjacent development.

Engineering Department - Traffic Division Notes

No apparent traffic concerns with the proposed zoning from R-5 to S-D.
NOTE: Parking spaces shall be provided according to Ordinance requirements.

Fire Department Notes

No comments received.

El Paso Water Utilities Notes

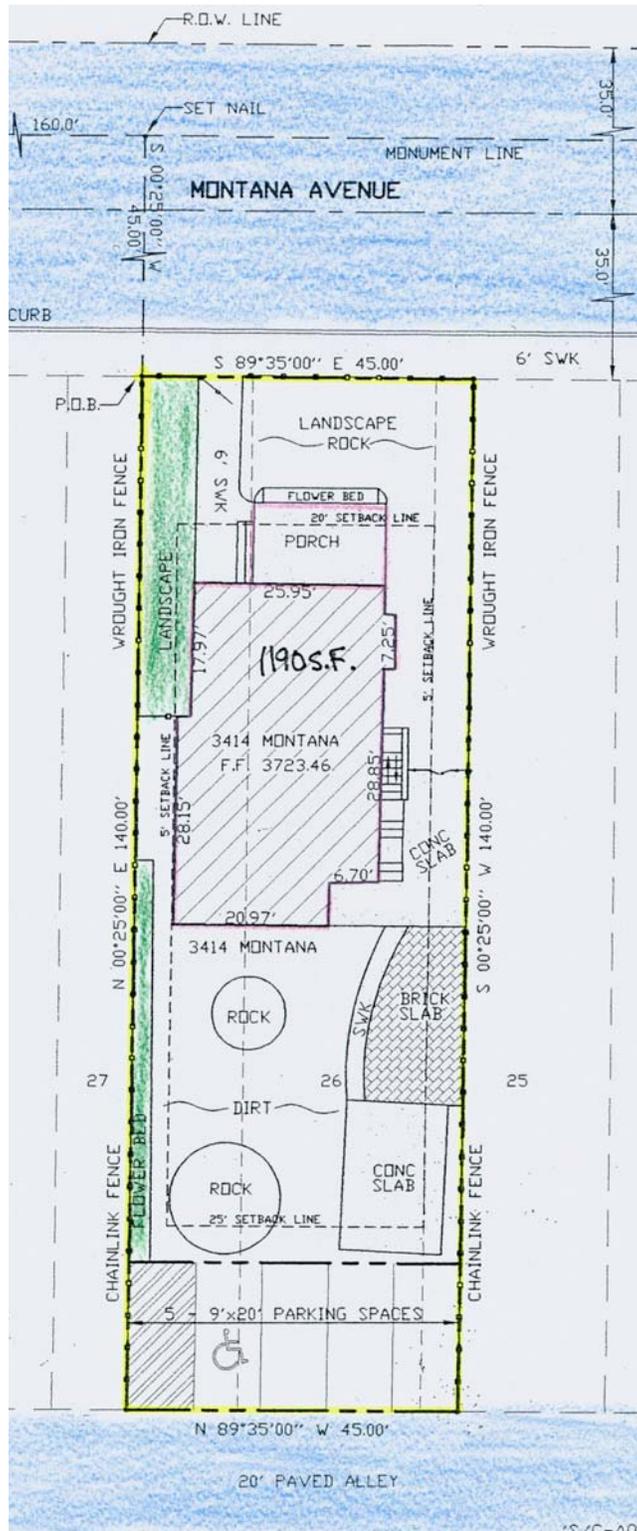
EPWU does not object to this request.

List of Attachments

- Attachment 1: Site Plan
- Attachment 2: Letter of reconsideration
- Attachment 3: Letters of Support
- Attachment 4: Application



Attachment 1: Site Plan



Attachment 2

ESTEBAN V. SANORES
CONSULTANT

February 23, 2007

ATTN: Development Services Department
Planning Division
City Plan Commission

RE: Case # ZON06-00156

Ladies and Gentlemen:

I represent Mr. & Mrs. Aguilar, 3414 Montana Avenue, El Paso, TX 79903 in a rezoning case from R-5 to SD.

I respectfully request that the hearing of case # ZON06-00156 be reconsidered. I'm also submitting 5 (five) letters in favor of this application.

Best regards,


Esteban V. Sansores

cc: Mr. & Mrs. Carlos Aguilar

Received 2-23-07 10:20 a.m.
Esdras

7051 Sparrow Dr. El Paso, Texas 79915 – (915) 875.2991
esansores@elp.rr.com

Attachment 3

Juan Carlos Garay
ATTORNEY AND COUNSELOR AT LAW

3402 MONTANA AVENUE
EL PASO, TEXAS 79903

BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

(915) 566-5000
FAX (915) 566-5001

February 14, 2007

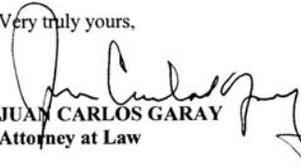
City Planning Commission
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901

RE: Re-zoning for 3414 Montana Avenue, El Paso, Texas 79903

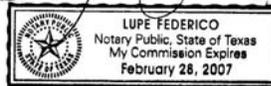
Gentlemen:

I am the owner of 3402 Montana Avenue, El Paso, Texas 79903, currently have an SD zoning and two lots removed from the property requesting SD zoning. I am supporting the re-zoning request made for property 3414 Montana Avenue, El Paso, Texas 79903, owned by Mr. & Mrs. Carlos Aguilar. If you have any questions regarding this matter please feel free to contact my office at (915) 566-5000.

Very truly yours,


JUAN CARLOS GARAY
Attorney at Law

JCG/mhb



February 14, 2007

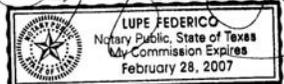
To: City of El Paso
City of El Paso-Civic Center Plaza
El Paso, Texas

From: Ruth Alicia Hernandez
3422 Montana

Dear Sirs: Ruth Alicia Hernandez

I Ruth Alicia Hernandez reside at 3422 Montana Montana.
I currently reside next to the property requesting the SD rezoning. I am supporting the
SD rezoning request for 3414 Montana owned by Mr. and Mrs. Carlos Aguilar. If you
have any questions regarding this matter, please feel free to contact me at
564 3415.

Respectfully,

 2/14/2007


February 14, 2007

To: City Planning Commission
City of El Paso- Civic Center Plaza
El Paso, Texas 79901

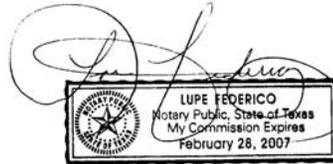
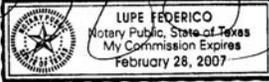
From: Laura Gonzalez
3429 Montana
El Paso, Texas 79903

Reference: Rezoning for 3414 Montana

Dear Sirs:

I Laura Gonzalez owner of 3429 Montana currently reside across the street from 3414 Montana. I am supporting the re-zoning request for SD made for property 3414 Montana owned by Mr. & Mrs. Carlos Aguilar. If you have any questions regarding this matter please feel free to contact my business at (915) 562-4600.

Respectfully,

2/14/2007

February 15, 2007

To: City of El Paso
City of El Paso-Civic Center Plaza
El Paso, Texas 79901

From: Oscar & Aurora Menchaca
3400 Montana
El Paso, Texas 79903

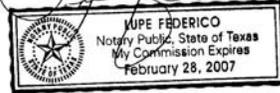
Dear Sirs:

I, Mr. & Mrs. Menchca, reside at 3400 Montana. I currently own the property close to property requesting the SD zoning. My property is also classified under SD zoning too. I am supporting the SD rezoning request for 3414 Montana owned by Mr. and Mrs. Carlos Aguilar. If you have any questions regarding this matter, please feel free to contact me at

[Handwritten signature] 516023 *[Handwritten signature]* 2/15/2007

Respectfully,

[Handwritten signature]
Mr. & Mrs. Oscar Menchaca



February 14, 2007

To: City of El Paso
City of El Paso-Civic Center Plaza
El Paso, Texas

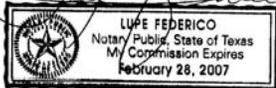
From: Hector Barragan
3426 Montana
El Paso, Texas 79903

Dear Sirs:

I Hector Baragan, owner of the following properties located at 3500, 3319, 3424, 3421 and 3426 Montana currently reside a few homes from 3414 Montana. I am supporting the SD rezoning request for 3414 Montana owned by Mr. and Mrs. Carlos Aguilar. If you have any questions regarding this matter, please feel free to contact me at (915) 562-4069.

Respectfully,


Hector Barragan
Owner

 2/14/2007


Attachment 4



**REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS**

CONTACT INFORMATION

PROPERTY OWNER(S): CARLOS & LAURA AGUILAR
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 APPLICANT(S): CARLOS & LAURA AGUILAR
 ADDRESS: _____ ZIP CODE: _____ PHONE: _____
 REPRESENTATIVE(S): ESTEBAN JANSOLES
 ADDRESS: SOME ZIP CODE: _____ PHONE: 875-2991 (ext)
 E-MAIL ADDRESS: _____ ZIP CODE: _____ FAX: _____

PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: E 01499909107600
 LEGAL DESCRIPTION: LOT 26 THE WEST 5 FT OF 25 EAST 15 FT OF 27 BLK 91 EAST EL PASO
 STREET ADDRESS OR LOCATION: 3414 MONTANA REP DISTRICT: 8
 ACREAGE: 0.1446 PRESENT ZONING: R-5 PRESENT LAND USE: RESIDENTIAL
 PROPOSED ZONING: SO PROPOSED LAND USE: LIGHT COMMERCIAL OFFICE
A.O. 1/18/07 REAL ESTATE OFFICE

PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):

Printed Name: CARLOS & LAURA AGUILAR Signature: Carlos Aguilar
 Printed Name: LAURA AGUILAR Signature: Laura Aguilar
 Printed Name: _____ Signature: _____
 Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

OFFICE USE ONLY

ZONING: 06-00156 RECEIVED DATE: 12/8/06 APPLICATION FEE: \$ 715.00
 DCC REVIEW DATE: 1/03/07 (8:30 am, Planning Department Conference Room, 2nd Floor, City Hall Building)
 CPC REVIEW DATE: 1/18/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
 ACCEPTED BY: Esteban Jansoles FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126

