

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: July 24, 2007
Public Hearing: August 14, 2007

CONTACT PERSON/PHONE: Natalie Nevarez-Straight, 541-4904

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of a portion of Lots 7 to 12 and adjacent 10 feet of alley on the West, Block 99, East El Paso Addition, City of El Paso, El Paso County, Texas from A-2 (Apartment) District to A-O (Apartment/Office) District. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3120 Pershing Drive. Applicant: Antonio and Nora Herrera. ZON07-00053 (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 (4-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 7 TO 12 AND ADJACENT 10 FEET OF ALLEY ON THE WEST, BLOCK 99, EAST EL PASO ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) DISTRICT TO A-O (APARTMENT/OFFICE) DISTRICT. 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 a portion of Lots 7 to 12 and adjacent 10 feet of alley on the West, Block 99, 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 A-2 (Apartment) District to A-O (Apartment/Office) District, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

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

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LUIS H. DE LA CRUZ
LAND USE CONSULTANT &
DRAFTING - DESIGN SERVICES
9013 LAIT ST. EL PASO, TX
915-590-9320

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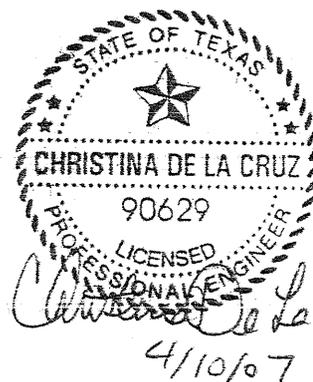
EXHIBIT "A"

Metes and Bonds
3120 Pershing Drive

Metes and Bounds description of a portion of lots 7 *to* 12 and adjacent ten feet of alley on the West, block 99, East El Paso addition City of El Paso, County of El Paso, Tx -

From a point at the south right a way of Pershing Dr. and the West Right-of-way of Estrella St. Thence along the Right-of-way of Pershing Drive west a distance of 87.00 Ft. to the True Point of Beginning;

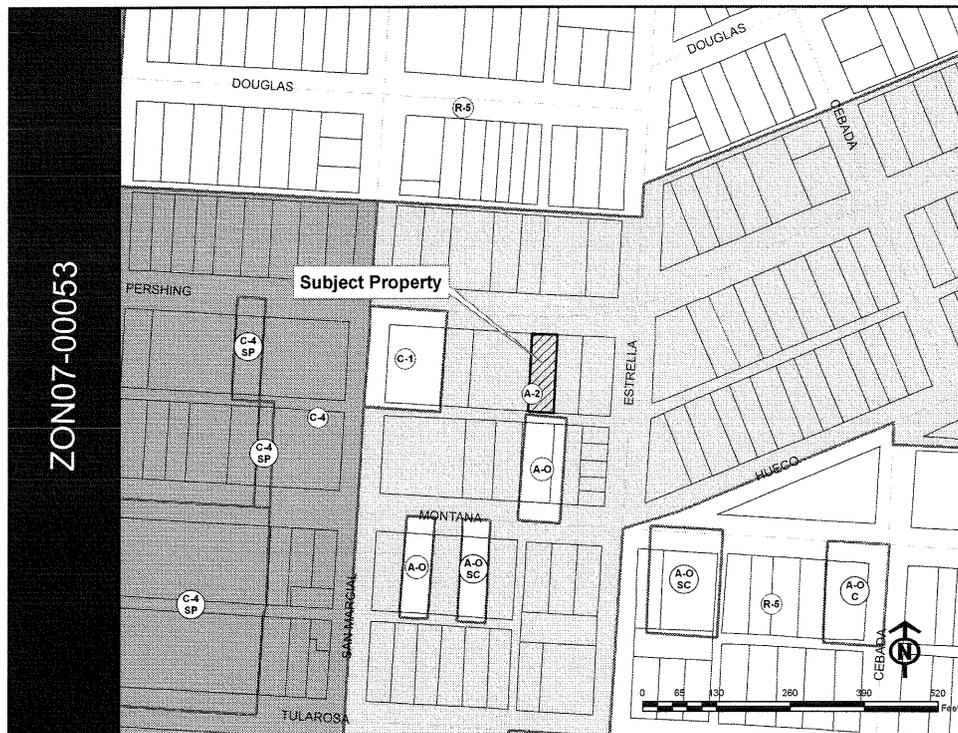
Thence West a distance of 43.00 ft. to a point;
Thence South a distance of 140 Ft. to a point;
Thence East a distance of 43.00 Ft. to a point;
Thence North a distance of 140 ft to the true point of beginning containing 6,020 Sq. Ft. or 0.138 acres more or less.





ZON07-00053

Application Type: Rezoning
Property Owner(s): Antonio Herrera and Nora Herrera
Representative(s): Luis H. De La Cruz
Legal Description: A portion of Lots 7 to 12 and adjacent 10 feet of alley on the West, Block 99, East El Paso Addition, City of El Paso, El Paso County, Texas
Location: 3120 Pershing Drive
Representative District: 8
Area: 0.1382 acres
Present Zoning: A-2 (Apartment)
Present Use: Vacant
Proposed Zoning: A-O (Apartment/Office)
Recognized Neighborhood Associations Contacted: Five Points Development Association; A Presidential Neighborhood Association; Five Points Neighborhood Association
Public Response: One (1) letter of support
Surrounding Land Uses: **North:** A-2, Single- and Multi-family; **South:** A-2 and A-O, Commercial and Single-family; **East:** A-2, Single- and Multi-family; **West:** A-2, Single-family and Commercial
Year 2025 Designation: Residential (Central Planning Area)



General Information:

The applicant requests a rezoning from A-2 (Apartment) to A-O (Apartment/Office) in order to permit an office. The site plan shows an existing main building and detached garage and proposes four (4) parking spaces. The property is 0.1382 acres in size. Access is proposed via the paved alley in the rear. There are no zoning conditions currently on this property.

Staff Recommendation:

The Development Coordinating Committee (DCC) recommends **DENIAL** of this request for rezoning from A-2 (Apartment) to A-O (Apartment/Office).

The recommendation is based on the following:

- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso “protect residential areas from incompatible land uses and encroachment which may have a negative impact on the residential living environment”.
- **The Year 2025 Projected General Land Use Map** for the Central Planning Area designates this property for **Residential** land uses.
- **A-O (Apartment/Office) zoning** permits office development and **is not compatible** with surrounding development.
- **A-O (Apartment/Office) zoned** properties fronting Montana, in the immediate area of the subject property, began transitioning in the late 1970s, continuing in the mid-80s, mid-90s, and finally in 2004.

Findings:

The Commission must determine the following:

1. Will A-O (Apartment/Office) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will apartment/office development be compatible with adjacent land uses?
3. What is the relation of the proposed change to the City’s Comprehensive Plan?
4. What effects will the rezoning have on the natural environment, social and economic conditions and property values in the vicinity and the city as a whole?

Development Services - Building Permits and Inspections Division Notes:

Need to specify proposed use to determine compliance with A-O Apartment District's Development Standards.

Development Services - Planning Division Notes:

Current Planning: Recommends denial. Proposed zoning is not compatible with projected general land use and surrounding development.

Land Development: No comments received.

Engineering Department, Traffic Division Notes:

No comments received.

Fire Department Notes

No comments received.

07 JUL 12 AM 10:29
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June 21, 2007

El Paso Water Utilities Notes:

EPWU does not object to this rezoning request.

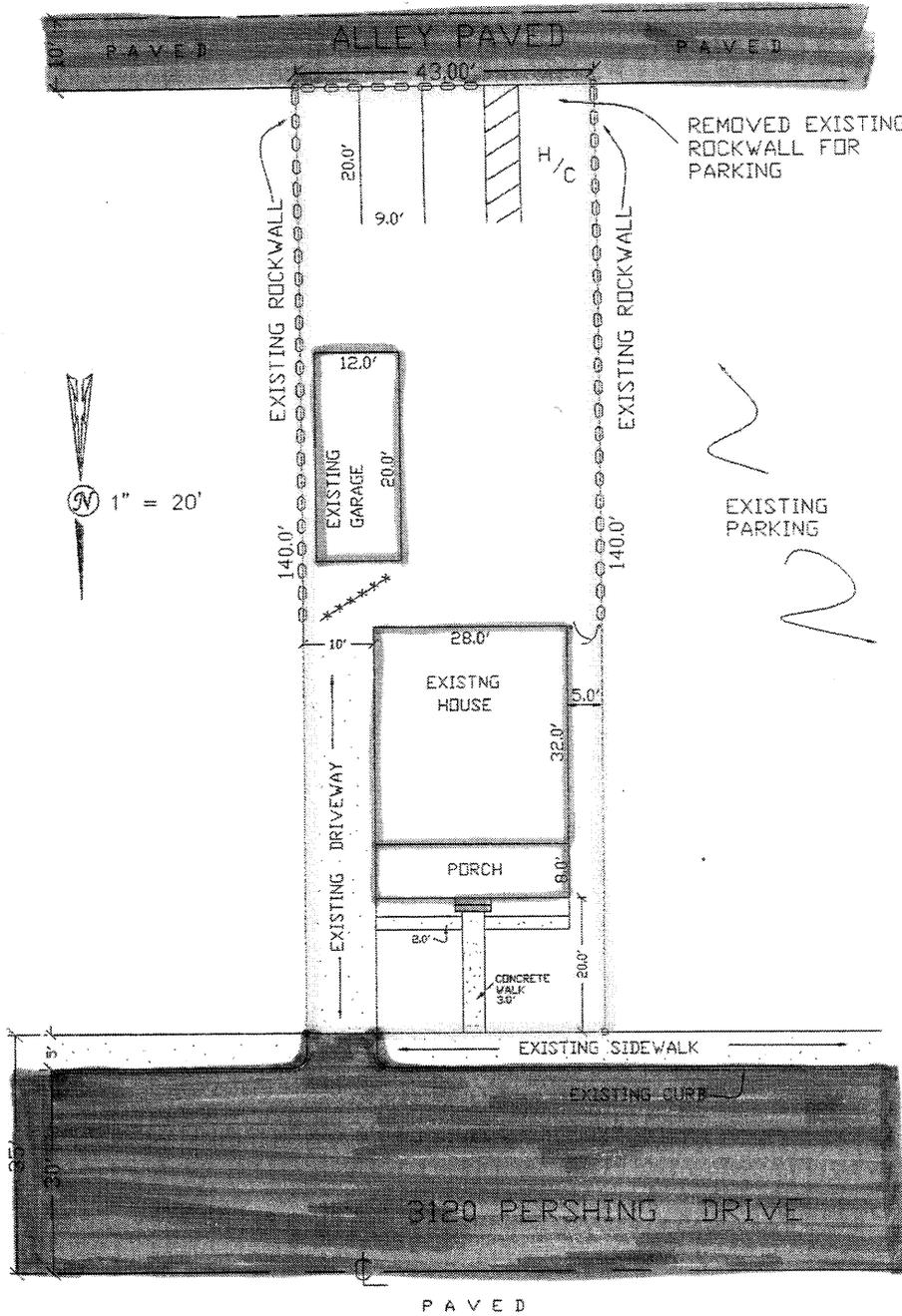


List of Attachments:

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

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June 21, 2007

Attachment 1: Site Plan



Attachment 2: Application



REZONING APPLICATION
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

City of El Paso, Texas
2 Civic Center Plaza
El Paso, TX 79901-1196
915-541-4024

1. CONTACT INFORMATION

PROPERTY OWNER(S): Antonio & Nora Herrera

REPRESENTATIVE(S): Luis H. DeLo Cruz

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: E-014-999-0990-4300
LEGAL DESCRIPTION: Block 99, East El Paso Addition W 33.00 FT of Lots 8 to 12 & W 22.00 FT of Lot 7 - adj. 10.00 FT.
STREET ADDRESS OR LOCATION: 3120 Pershing Dr. El Paso, TX 79905 REP DISTRICT: off-district #8
ACREAGE: 6,020^{sq ft} or 0.139 Acs PRESENT ZONING: A-2 PRESENT LAND USE: Residential
PROPOSED ZONING: A-0 PROPOSED LAND USE: OFFICE

3. 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: _____

4. 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: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
Printed Name: Antonio Herrera Signature: [Signature]
Printed Name: Nora Herrera Signature: [Signature]
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****
ZON 07-00053 RECEIVED DATE 04/23/07 APPLICATION FEE: \$ 715.00
DCC REVIEW DATE: 05/23/07 (8:30 am, Conference Room, 2nd Floor, City Hall Building)
CPC REVIEW DATE: 06/21/07 (1:30 pm, City Council Chambers, 2nd Floor, City Hall Building)
ACCEPTED BY: _____

Revised 9/2006

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Attachment 3: Letter of Support



Dr. William M. Leff, D.C.

Leff Chiropractic Center

3130 Montana Ave.
El Paso, Texas 79903
Telephone: (915) 566-9671
Fax: (915) 566-8838

Wednesday, June 6, 2007

TO: Attention: Natalie Nevarez-Straight
Planning division
#2 Civic Center Plaza 5th Floor
El Paso, TX 79901

RE: Support for 3120 Pershing Re-zoning change

Dear Ms. Nevarez-Straight,

At this time I own four properties, 3200/3130/3124/3120 Montana, within one block of this property and I am in complete support of this re-zoning change to AO. It is not commercial and an office for say an attorney or C.P.A. is reasonable and makes better use of the property.

I am also on the Five Points Development board, since 1990, as well and I do understand this area very well.

Respectfully,

Dr. William M. Leff, D.C.

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