

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

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

**AGENDA DATE:** Introduction: October 6, 2009  
Public Hearing: October 27, 2009

**CONTACT PERSON/PHONE:** Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An ordinance changing the zoning of Lots 3 – 9, Block 1, Mesa Heights Addition, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 4730 Pershing Drive. Property Owner: Jesse P. Look, ZON09-00035 (District 2). **THIS IS AN APPEAL.**

**BACKGROUND / DISCUSSION:**

N/A

**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) – Denial Recommendation (3-2)

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

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

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

**DEPARTMENT HEAD:** Victor Q. Torres  
Director, Development Services

**APPROVED FOR AGENDA:**

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

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

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

**AN ORDINANCE CHANGING THE ZONING OF LOTS 3 – 9, BLOCK 1, MESA HEIGHTS ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 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 *Lots 3 – 9, Block 1, Mesa Heights Addition, City of El Paso, El Paso County, Texas*, be changed from **C-1 (Commercial)** to **C-3 (Commercial)**, 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 \_\_\_\_\_ of \_\_\_\_\_ **2009**

THE CITY OF EL PASO

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

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Mathew McElroy Deputy Director  
Development Services Department -  
Planning Division

APPEAL TO THE CITY COUNCIL

09 SEP 16 AM 11:42

DATE 09/11/09

HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on Thursday Sept 10<sup>th</sup>, 2009, the  
City Planning & Zoning Comm. denied my request for ReZoning  
Bliss Auto Sales, Inc. @ 4730 Pershing Drive  
79903 from C-1 to C-3.

legally described as: Block 1 Mesa Heights Lot 3 Thru 9  
5<sup>th</sup> Amended Map - 4730 Pershing Drive  
El Paso, TX 79903

I hereby request the City Council to review the decision of the above  
named body AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY  
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Bliss Auto Sales, Inc. - Jesse P. Look  
APPLICANT My Representative Dore R. FARR, ET AL.

4730 Pershing Drive  
ADDRESS

(915) 566-1616  
TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on: \_\_\_\_\_

Bliss Auto Sales, Inc. @ 4730 Pershing Drive El Paso, Tx 79903 – 09/11/09  
(915) 566 – 1 5 1 6 - FAX 566 – 1 6 1 7 Business hours only. Monday - Saturday  
9:00 AM - 5:30 PM - E – Mail - [Blissauto@sbcglobal.net](mailto:Blissauto@sbcglobal.net) – 62 Yrs same corner

Honorable. Mayor and City Council  
City of El Paso, Texas

Thursday September 10,<sup>th</sup> 2009 appearing before City Planning & Zoning commission  
we lost 3 – 2 on our petition to re-zone Bliss Auto Sales, Inc. from C-1 to C-3.

There was thoughtful discussion pro & con. Apparently the dictates of a “1998 Master Plan” carried the day against us to this point.

Today, in this economy we have (on opposite corners) Mc Donalds hawking chicken & KFC - Burgers. Unthinkable ?. Yes!!!, it was for decades – not today!!!

A used car lot may also have to diversify to survive. Alternatives: Buy Here Pay Here, a detailing operation. Light mechanical / Tire repair, State licensed Inspection Station or a modern Quick Lube facility. All in the name of a life blood – CASH FLOW!!!

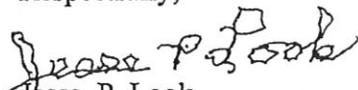
There are two car lots on our block separated by a rock wall. His C-3 ( Circa 1992) is a Guarantee that all above options are available to him. Ours, (Bliss) is operationally C-3 by (Grandfather clause) but our zoning is C-1, which forecloses the same options to us. No matter that we are here 62 & ½ years and he is here 17 years & we are neighbors!!!

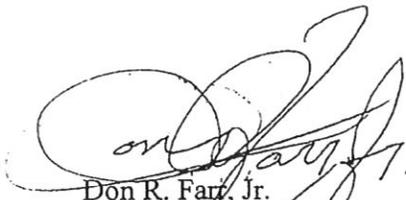
In a meeting with planning & Zoning staff we noted the disparity in market value of C-1 & C-3 zoning. Their answer that their mission is not to create economic value for any individual situation was cordially presented and received.

Our question is – as the planning and zoning department moves efficiently along is it, albeit impersonally and without malice, going to DIMINISH the value we have created for and imparted to our land with 62 years of: Sweat, toil and Good Business Practices; as is widely known in the City and County of El Paso, Texas ?

Such a possible difference in value between 2 lots on the same block does not stand the test of REASON. We hope it does not become a TEXT BOOK CASE of the “Law of Unintended Consequences” ala a flawed but legally defensible interpretation of the “1998 Master Plan”.

Respectfully,

  
Jesse P. Look  
2<sup>nd</sup> Generation Owner

  
Don R. Farr, Jr.  
Representing Bliss Auto Sales, Inc.

CITY CLERK DEPT.  
09 SEP 16 AM 11:42

## MEMORANDUM

**DATE:** September 21, 2009

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

**FROM:** Andrew Salloum, Planner

**SUBJECT: ZON09-00035**

---

The City Plan Commission (CPC), on September 10, 2009, voted (3 to 2) to recommend **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial). The applicant has submitted an appeal of the denial recommendation.

The City Plan Commission (CPC) and Development Coordinating Committee (DCC) recommended **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial) in order to protect the character of the existing neighborhood. The proposed C-3 (Commercial) zoning is incompatible with the adjacent residential neighborhood to the south and east. Further, adjacent properties to the north, east, and west are zoned C-1 (Commercial). The Plan for El Paso designates this property as Residential.

The property owner is requesting to rezone the property from C-1 (Commercial) to C-3 (Commercial) in order to permit the existing use of automobile sales. The property is 0.508 acres in size and includes an existing 606 square-foot office building and a 1,243 square-foot garage. Access to the property is from Pershing Drive and Frankfort Avenue.

The CPC found that this rezoning is not in conformance with The Plan for El Paso. The CPC also determined that this rezoning does not protect the best interest, health, safety, and welfare of the public in general and that the proposed use is not compatible with adjacent land uses.

Planning Division received one email in support of this request.

**Attachment:** Staff report



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

**Case No:** ZON09-00035  
**Application Type:** Rezoning  
**CPC Hearing Date:** September 10, 2009  
**Staff Planner:** Andrew Salloum, 915-541-4029, [salloumam@elpasotexas.gov](mailto:salloumam@elpasotexas.gov)

**Location:** 4730 Pershing Drive  
**Legal Description:** Lots 3 – 9, Block 1, Mesa Heights Addition, City of El Paso, El Paso County, Texas  
**Acreage:** 0.508-acre  
**Rep District:** 2  
**Existing Use:** Automobile Sales  
**Request:** C-1 (Commercial) to C-3 (Commercial)  
**Proposed Use:** Automobile Sales

**Property Owner:** Jesse P. Look  
**Applicant:** Jesse P. Look  
**Representative:** Don R. Farr, Jr.

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

**North:** C-1 (Commercial) / Automobile Sales  
**South:** C-3 (Commercial) / Automobile Sales  
**East:** C-1 (Commercial) / Cell Tower and Vacant  
**West:** C-1 (Commercial), C-3 (Commercial) / Vacated Building and Automobile Body & Paint

**THE PLAN FOR EL PASO DESIGNATION:** Residential (Central Planning Area)

**Nearest Park:** Rose Garden Memorial Park (2,357 Feet)

**Nearest School:** Coldwell Elementary (801 Feet)

### **NEIGHBORHOOD ASSOCIATIONS**

There are no registered neighborhood associations in the area.

### **NEIGHBORHOOD INPUT**

Notice of a public hearing was mailed to all property owners within 300 feet of the subject property on August 27, 2009. The Planning Division has received an email in support of the rezoning request.

### **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the property from C-1 (Commercial) to C-3 (Commercial) in order to permit the existing use of automobile sales. The property is 0.508 acres in size and includes an existing 606 square-foot office building and a 1,243 square-foot garage. Access to the property is from Pershing Drive and Frankfort Avenue.

### **DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION**

The DCC recommends **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial).

**PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial) in order to protect the character of the existing neighborhood. The C-3 (Commercial) zoning is incompatible with the adjacent residential neighborhood to the south and east. Further, adjacent properties to the north, east, and west are zoned C-1 (Commercial). The Plan for El Paso designates this property as residential.

**The Plan for El Paso-City-Wide Land Use Goals**

All applications for rezoning 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: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.

The purpose of the C-1 (Commercial) district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the district will permit the location of business, professional offices, and retail category uses within adjacent residential areas of medium and high densities.

**Development Services Department - Building Permits and Inspections Division**

Zoning Review: no comments received.

Landscape Review: Landscape does not require for this project. No new proposed buildings or demolition to existing. Landscape does not apply.

**Development Services Department - Planning Division**

The Planning Division recommends **DENIAL** of rezoning the property from C-1 (Commercial) to C-3 (Commercial) in order to protect the character of the existing neighborhood. The C-3 (Commercial) zoning is incompatible with the adjacent residential neighborhood to the south and east. Further, adjacent properties to the north, east, and west are zoned C-1 (Commercial). The Plan for El Paso designates this property as residential.

**Engineering Department - Traffic Division**

No objections to proposed rezoning.

Commercial Driveways are required to have a minimum width of 25 feet.

**Fire Department**

We have no opposition at this time.

**El Paso Water Utilities**

EPWU does not object to this request.

**Sun Metro:**

Sun Metro does not oppose the rezoning request.

**Street Department:**

No Objections.

### **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

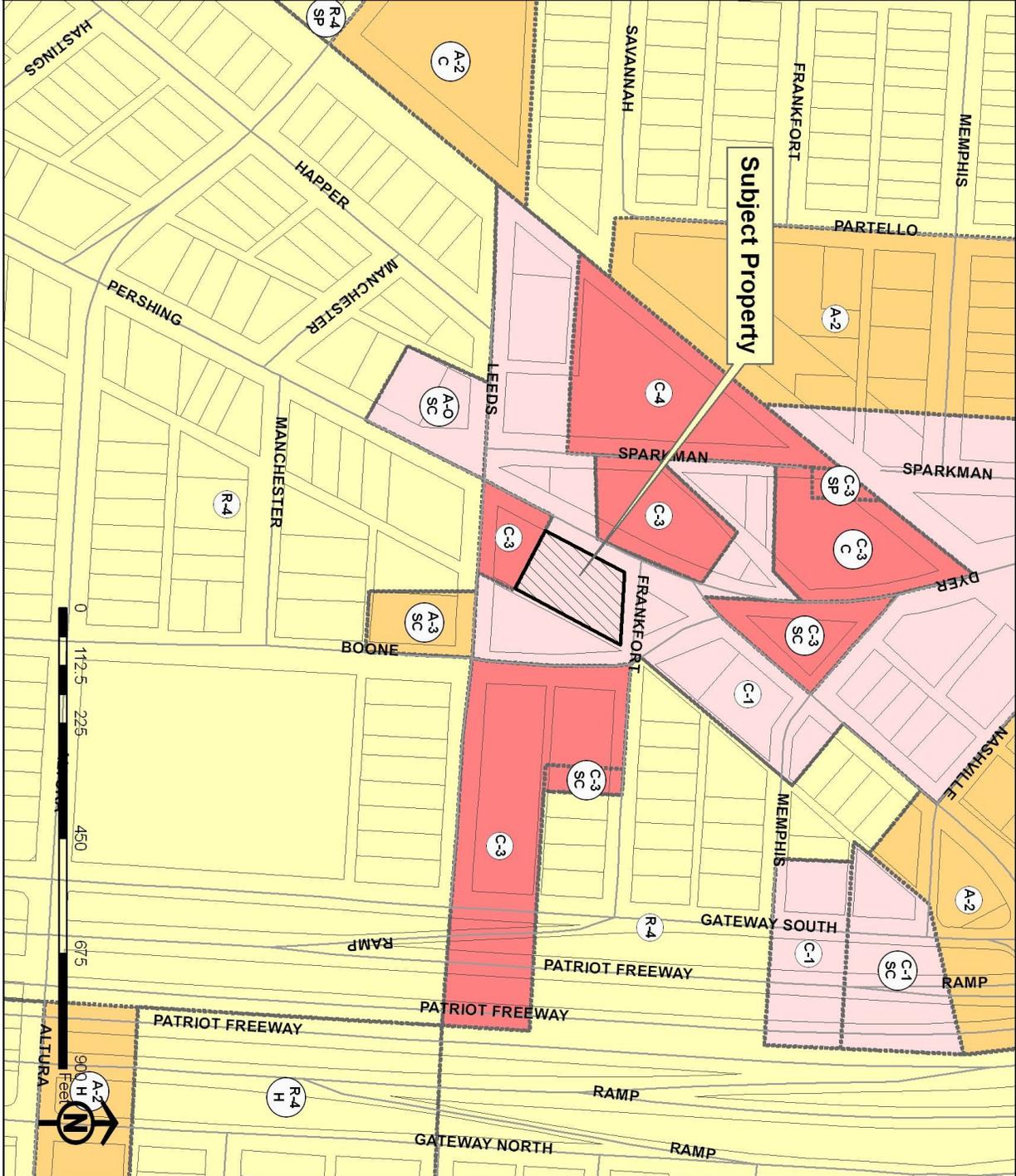
1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into 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 rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

### **Attachments:**

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Support Letter

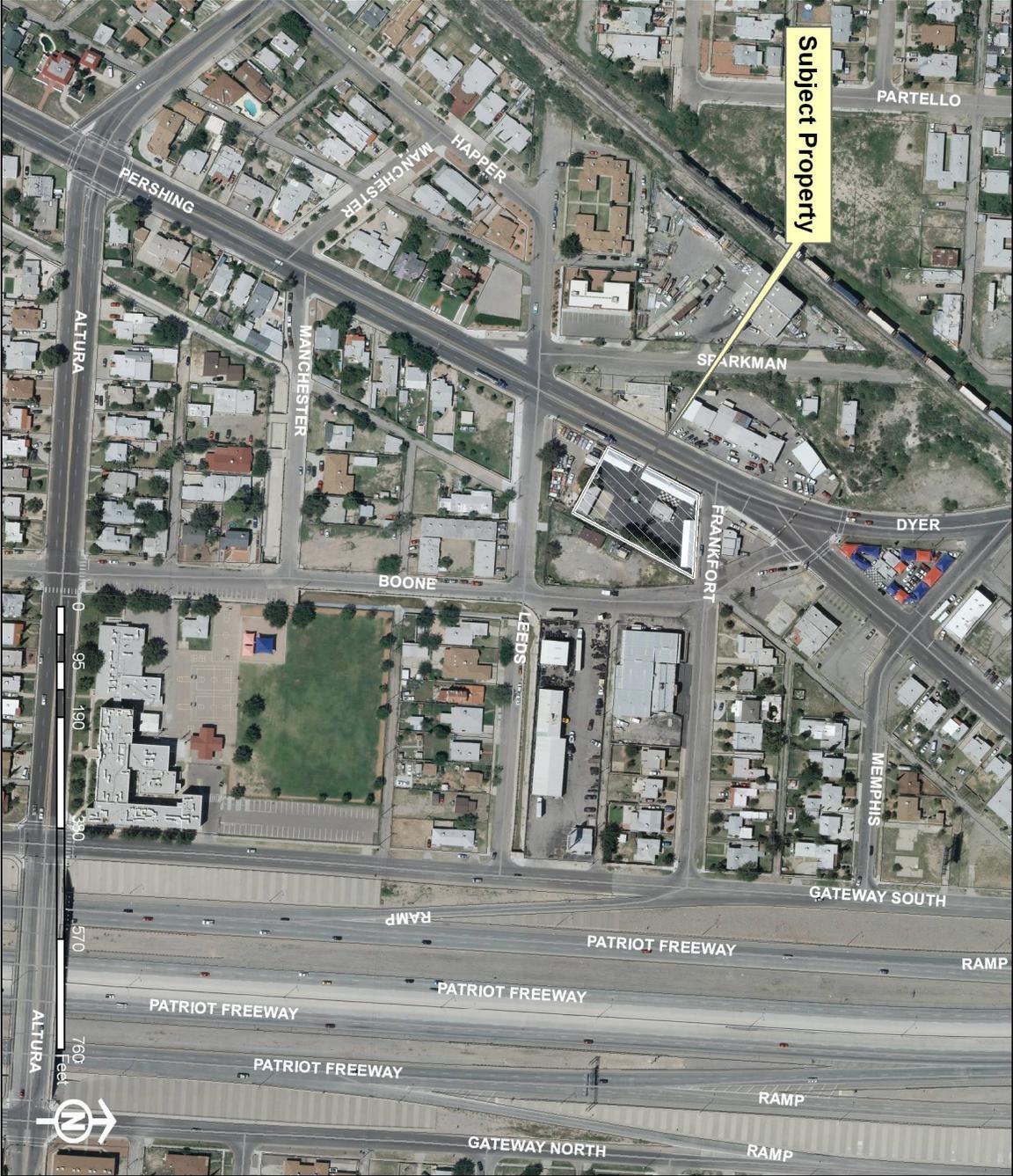
**ATTACHMENT 1: ZONING MAP**

**ZON09-00035**

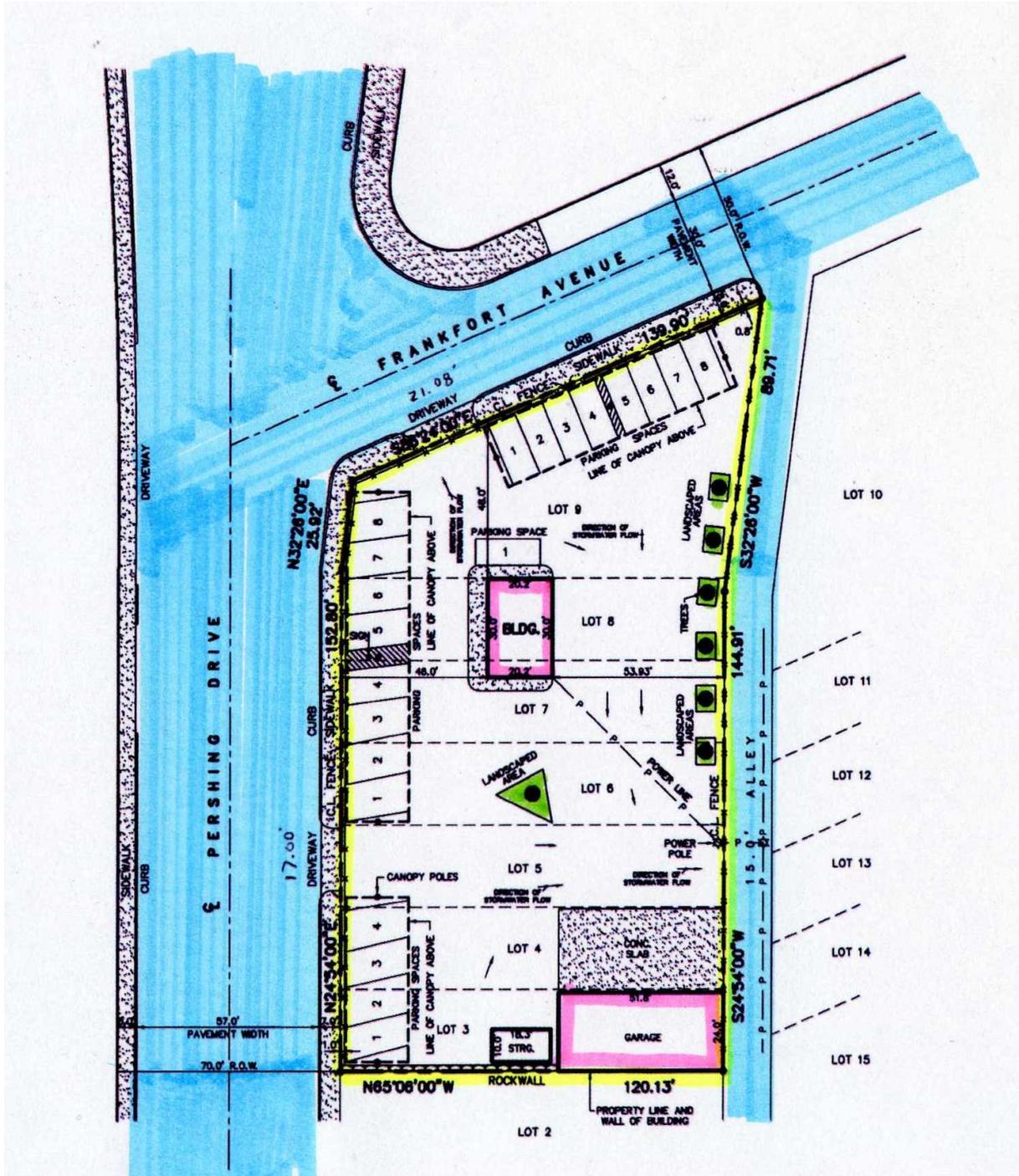


ATTACHMENT 2: AERIAL MAP

ZON09-00035



**ATTACHMENT 3: CONCEPTUAL SITE PLAN**



## ATTACHMENT 4: SUPPORT LETTER

Page 1 of 1

**Salloum, Andrew M.**

---

**From:** LANAELP@aol.com  
**Sent:** Thursday, September 10, 2009 8:42 AM  
**To:** Salloum, Andrew M.  
**Subject:** Re-zoning to C-3

Dear Andrew

It is my understanding that the property at 4730 is zoned C-1, as it has been. for close to 50 years. I also understand that although the surrounding properties are all zoned C-3, the DCC recommended denial of this re-zoning request, for whatever reason.

I believe that this re-zoning request should be considered and approved by the Planning Commission because it does not constitute any infringement into the surrounding areas. It is common practice to have all 4 corners at an intersection zoned equally, and this is what Mr. Look is requesting. The property has been in his family and operating as a used car lot all this time. The Planning Commission should approve the re-zoning, even if the Commission has to impose strict compliance at all times to the building and landscaping requirements for any subsequent owners. They could exclude adult entertainment, bars and whatever else is offensive to the general public.

I am totally in support of this rezoning.

Sincerely,

Svetlana (Lana) Ulrich  
Past Chair of Planning Commission

---