City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ14-00026
Application Type:	Rezoning
CPC Hearing Date:	August 28, 2014
Staff Planner:	Michael McElroy, 915-212-1612, mcelroyms@elpasotexas.gov
Location:	332 North Clark Drive
Legal Description:	Lots 25 through 28, Block 22, Second Addition to Womble Addition, City of El Paso, El Paso County, Texas
Acreage:	0.55 acres
Rep District:	3
Existing Zoning:	A-O (Apartment-Office)
Existing Use:	Vacant
C/SC/SP/ZBA/LNC:	N/A
Request:	From A-O (Apartment-Office) to C-2 (Commercial) (Related to Special Permit PZST14-00023)
Proposed Use:	Contractor's yard (small)
Property Owner:	EB Silva Management, LLC
Representative:	Conde, Inc.

SURROUNDING ZONING AND LAND USE
North: R-5 (Residential) / Single-family residential
South: M-1/sc (Manufacturing/special contract) / Warehouse and Distribution Center
East: R-5 (Residential) / Single-family residential
West: C-4 (Commercial) / Warehouse, Tractor-Trailer Storage Facility

PLAN EL PASO DESIGNATION: G-2, Traditional Neighborhood (Walkable) (Central Planning Area)
NEAREST PARK: San Juan Placita Park (2,865 feet)
NEAREST SCHOOL: Hawkins Elementary (2,710 feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association
San Juan Neighborhood Improvement Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on August 12, 2014. The Planning Division received one phone call and three letters in opposition to the rezoning request.

CASE HISTORY
City Council rezoned the subject property from R-5 (Residential) to A-O (Apartment-Office) on June 9, 2009 by Ordinance No. 17121.

APPLICATION DESCRIPTION
The property owner is requesting a rezoning from A-O (Apartment-Office) to C-2 (Commercial), along with a special permit, to allow for a contractor's yard (small) in a C-2 (Commercial) district (related to PZST14-00023). The property is currently vacant. Access to the subject property is from North Clark Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval with a condition** of rezoning the subject property from A-O (Apartment-Office) to C-2 (Commercial) as follows:

> *That a ten (10) foot wide landscaped buffer with high-profile native trees of at least three (3) inch caliper and ten (10) feet in height shall be placed at fifteen (15) feet on center along all property lines abutting residentially-zoned properties. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, 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.*

The subject property is immediately adjacent to commercial C-4 (Commercial), light industrial M-1 (Manufacturing), and R-5 (Residential) zoned properties. Rezoning to C-2 (Commercial), in conjunction with a special permit and a landscape buffer, will allow the proposed contractor's yard while also providing an appropriate transitional zoning district.

Plan El Paso-Future Land Use Map Designation

All applications for a rezoning shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood (Walkable): This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of C-2 (Commercial) district is to provide goods or render services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permits intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

COMMENTS:

Planning Division - Transportation

No objections. A TIA is not required.

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.

City Development Department – Building & Development & Permitting

Recommend approval.

City Development Department – Landscape Review

No objections.

City Development Department - Land Development

No objection.

El Paso Fire Department

The Fire Department recommends approval of the rezoning case.

Texas Department of Transportation (TxDOT)

When ready to develop this lot, grading and drainage shall be submitted to TxDOT for review and approval and request access approval thru the TXDOT Access Management Committee (AMC).

El Paso Water Utilities

EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water:

1. There is an existing 12-inch diameter water main that extends along Clark Dr. This main is available for service.
2. There is an existing 6-inch diameter water main that extends along Clark Dr. located approximately15 feet east of the street centerline. This 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 332 N. Clark Dr.

Sewer:

1. There is an existing 8 –inch diameter sanitary sewer main that extends along Clark Dr. located approximately 15 feet west of the street centerline. This main is available for service.

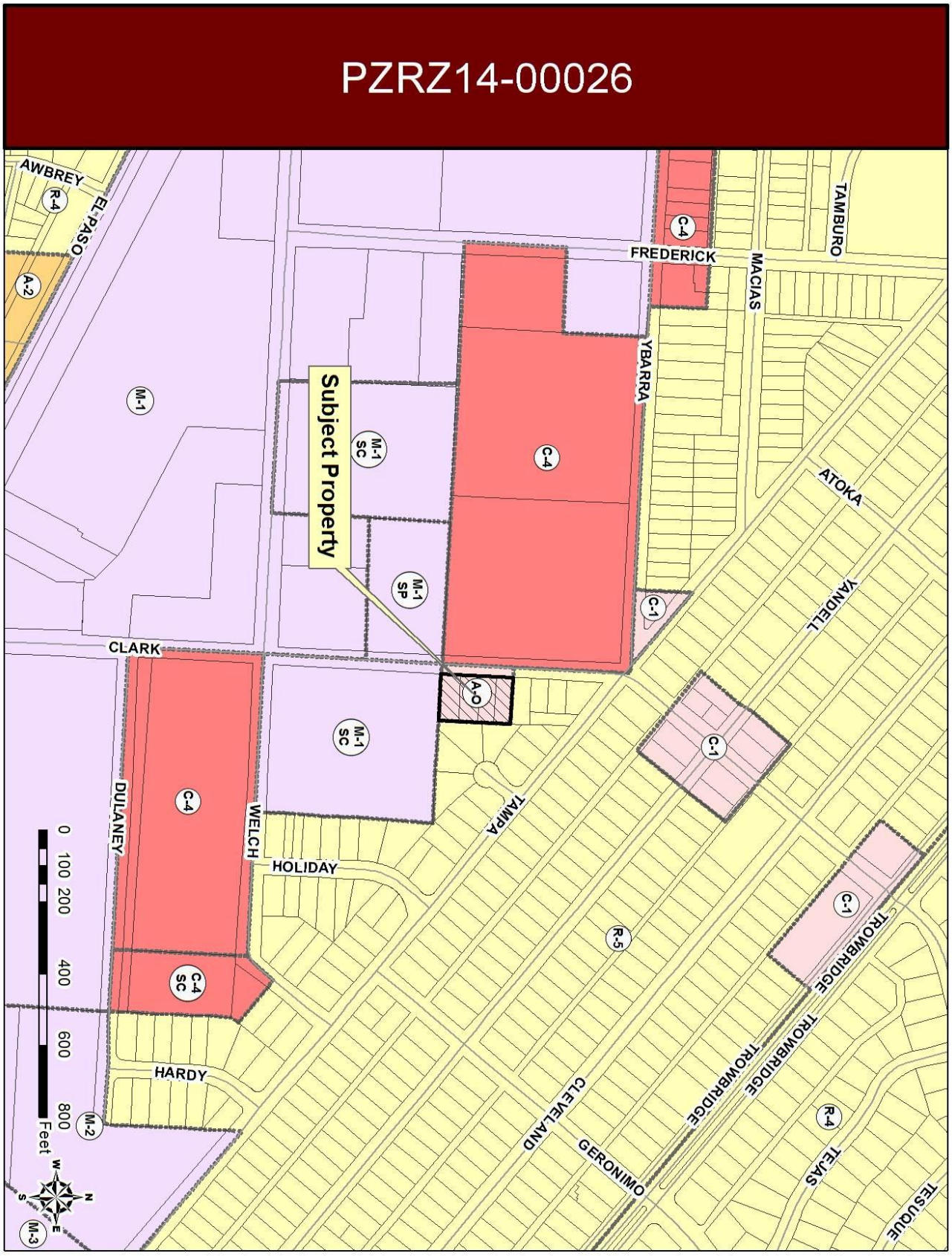
General:

1. EPWU requires a new service application to serve the subject property. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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:

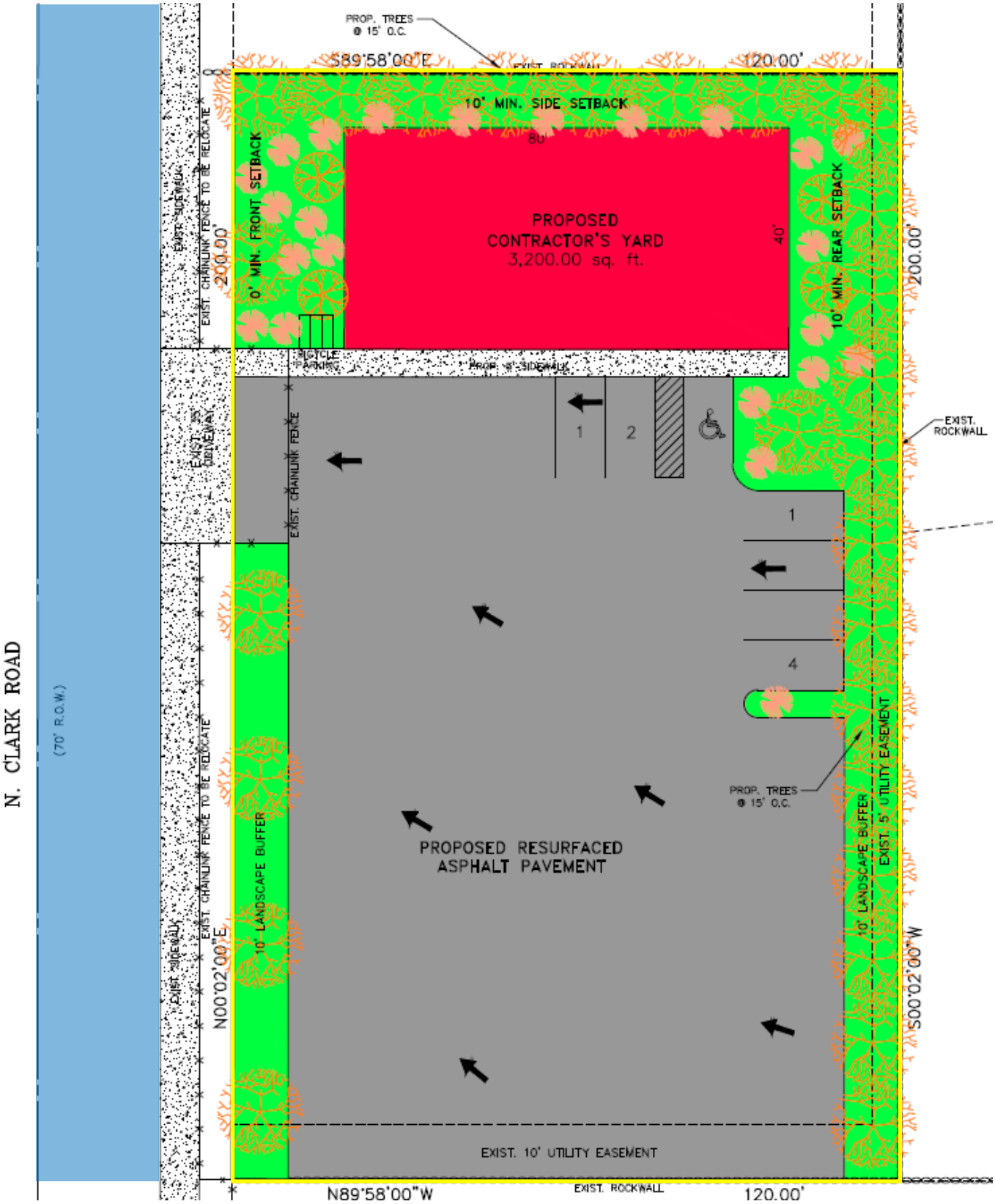
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Detailed Site Development Plan
Attachment 4: Opposition Letters

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



August 6, 2014

City Plan Commission
c/o Planning Division
801 Texas Avenue
El Paso, TX 79901

Reference: Case Number PZRZ14-00026 & PZST 14-00023

To Whom It May Concern:

My name is Samuel Archuleta, owner of two duplexes located at 6107 Hanley and 6109 Hanley which are located near the property located at 332 N. Clark. As we visit the rezoning issue of the property (332 N. Clark) from A-O (Apartment-Office) to C-2 (Commercial) in order to grant a special permit for a contractor's yard in a C-2 (Commercial) zoning; I am very much opposed to the rezoning from residential to commercial of these property because it will have a negative effect in the area. First of all, it will create heavier traffic around the area where there is an elementary school crossing a few feet away at the intersection of Clark and Tampa Street. Furthermore, I believe it would adversely affect my apartment rental business because it might deter prospective tenants from wanting to rent near a contractor's yard. And last, a construction yard would create an eyesore and decrease property values as well.

The rezoning issue from residential to commercial was defeated a couple of years ago. I expect it to be denied once again. Just ask yourself, "Would I want a construction yard behind my house or in my neighborhood knowing it will bring a negative effect on property values and create an eyesore to the area?"

Thank you for your foresight,

Samuel Archuleta
5928 Tejas Dr.
El Paso, TX 79905

From: Raquel Archuleta
To: McElroy, Michael
Subject: RE: Case No. PZRZ14-00026 & PZST 14-00023 Opposition letter
Date: Friday, August 08, 2014 11:58:17 AM

Thank you

On Fri, 8/8/14, McElroy, Michael <mcelroyms@elpasotexas.gov> wrote:

Subject: RE: Case No. PZRZ14-00026 & PZST 14-00023 Opposition letter
To: "Raquel Archuleta" <rachelarchuleta@yahoo.com>
Date: Friday, August 8, 2014, 11:52 AM

Ms. Archuleta,

Thank you for your communication. To date, I have received 1 phone call and this email in opposition. I will including the received opposition in my revised staff report, as staff reports are frequently updated with such information between original publication and the actual date of the public hearing. I will inquire about mailed opposition on Monday with our front-office staff as I have not received any as of this time.

Thank you,

Michael

-----Original Message-----
From: Raquel Archuleta [mailto:rachelarchuleta@yahoo.com]

Sent: Friday, August 08, 2014 11:47 AM
To: McElroy, Michael
Subject:
Case No. PZRZ14-00026 & PZST 14-00023 Opposition letter

Case No.
PZRZ14-00026 & PZST 14-00023

It is disheartening to see that the City of El Paso – City Plan Commission Staff Report is recommending the approval of the rezoning request from A-0 to C-2 along with the recommended approval of the special permit to allow a contractor yard on the property located at 332 N. Clark. Also, the use of the Plan El Paso Comprehensive Plan Future land use maps as a justification for the rezoning is an abhorrent interpretation of the nationally praised Smart Code plan. To take a centrally located area zoned for Medium Density Residential use (A-0) and rezone it for commercial purposes goes against the goals of the Plan El Paso.

A contractor's yard is most definitely not an appropriate transitional use between the high and low intensity uses in the immediate area. The construction of a small apartment or

multi-family housing is the best use of this property as identified by the City Planning Commission in 2009. While the staffing report indicates that no letters of opposition or support have been received, in my discussions with various residents, I have received confirmation that several opposition letters have indeed been mailed.

The Plan El Paso Designation of "G-2, Traditional Neighborhood (Walkable)" indicates that the best use of this area is for residential purposes and that this sector is well suited for Smart Code as the replacement for current zoning. The city of El Paso has limited areas where the Smart Code designation would work and that have the opportunity to be walkable neighborhoods. A contractor's yard is not an area anyone wants to walk to. A residential development planned using the architectural design elements described in Appendix B "Community Design Manual" of Plan El Paso would benefit both the community and the city. A contractor's yard can be placed in a variety of locations that are zoned for that purpose but a residential area with the potential for development following the Smart Code cannot easily be replaced in the heart of the city. The location of these lots is walking distance to an elementary school, a bus stop, and restaurants. The area is already a walkable neighborhood, allowing for further residential construction would be a blessing and showcase the City's commitment to prevent urban sprawl and attract residents to the center of the city.

The interpretation of Plan El Paso to support turning residential areas into commercial districts is a contradiction to the goals to improve our city and communities. If the commission approves this rezoning request it will create an unfortunate precedent that the city's wonderful Plan El Paso can be easily overturned by business interests and that the city's traditional neighborhoods are not being protected and afforded the same opportunities for growth as new subdivisions.

I encourage the City Planning Commission to deny the rezoning request and allow this area to flourish as a residential community.

Raquel Archuleta
5928 Tejas Dr.
El Paso, TX 79905

For timely delivery I've presented this letter in email form but, I've also mailed it by USPS

From: Samuel Archuleta
To: McElroy, Michael
Subject: Case No. PZRZ14-00026 & PZST 14-00023 Rezoning Opposition Letter
Date: Monday, August 11, 2014 6:17:52 PM

Case No. PZRZ14-00026 & PZST 14-00023

It has come to my attention that the property owners of 332 N. Clark have requested rezoning the property to C-2 commercial with a special permit for a contractor's yard. I would like to voice my vehement opposition to this request. Although I am not a current resident of the neighborhood or City of El Paso, I along with both my parents were raised within 100 ft of this property. Currently, there is a vacant property on the market at 6103 Hanley Way which shares its rear property line with 332. N Clark. I have identified this property as an ideal location to raise my newborn child and was working on making an offer on this property but cannot proceed until I know the outcome of this request.

Although, the neighborhood is lower income, the area is well positioned for growth. Hawkins Elementary School has a school rating of eight, which rivals or exceeds many schools in more affluent areas of the city and state. San Juan Park and San Juan Recreation Center provide the neighborhood youth a variety of recreational activities and together are a source of pride for the community. San Juan Senior Center provides socialization options for the community's elderly population. All of these facilities are within a one to two minute bike ride of 332 N. Clark. A commercial operation and contractor's yard serve no benefit to the neighborhood but an apartment or multi-family housing would provide an influx of new ideas and foster the growth of civic engagement.

Using this property for its currently zoned purpose (A-0) would allow future residents to minimize their dependence on automobiles which is one of the goals identified in *Plan El Paso*. The Sun Metro Rapid Transit Route, which opens on Alameda in 2016, has a stop located within a four minute bicycle ride. The rapid transit route would allow any future residents of this area to travel from the Ysleta Terminal all the way to the Executive Center bus terminal and within a few years through NE El Paso along Dyer. Easy access to reliable public transportation makes this location ideal for residential use.

I would love to see this area used to provide housing for individuals and families seeking to move to this community in the middle of the city. While many may view a low income neighborhood as an afterthought I can assure you that this very neighborhood has produced international business founders, small business owners, doctors, nurses, engineers, government workers and countless college graduates and honest citizens. I have a very close attachment to this community as it has afforded my family and myself countless opportunities and I wish to move back to this area to give back to this great community.

The continued improvements our city has made and has committed to make will work to reverse the "brain drain" which has seen many of the areas brightest youth leave the city. Instead of limiting Smart Code growth to the West Side of the city, the Planning Commission must take a stand and promote growth in our established neighborhoods and not allow for residential areas to be taken over by commercial interests. Attracting new residents to established parts of the city will work to revitalize neighborhoods, but rezoning residential areas for commercial use will only lead to neighborhood decline.

I implore the City Planning Commission to deny the request to rezone 332. N Clark. This area is well suited for the A-0 designation as identified by the Planning Commission in 2009. By taking a long term view and promoting residential growth, in the San Juan community, property values will increase and as a result so will the tax base.

If you would like to further discuss this topic I can be contacted via email or I can contact your office via telephone at your request. Thank you for your time and consideration.

Respectfully,

Samuel Archuleta Jr.
Hawkins Elementary Graduate
B.S.E.E. (UTEP), MBA

Liana Archuleta
R.N., BSN (UTEP)