City of El Paso – City Plan Commission Staff Report

Case No:	PZRZ12-00031 (Related to SURW12-00018)
Application Type:	Rezoning
CPC Hearing Date:	November 15, 2012
Staff Planner:	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
Location:	South of Diana Drive and East of Gateway North Boulevard
Legal Description:	A portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas
Acreage:	1.24 acres
Rep District:	4
Existing Zoning:	R-4 (Residential)
Existing Use:	Drainage Channel R.O.W.
Request:	From R-4 (Residential) to C-4 (Commercial)
Proposed Use:	Access for proposed new Warehouse Club
Property Owner:	El Paso Water Utilities - Public Service Board and City of El Paso
Representative:	Rudy Valdez

SURROUNDING ZONING AND LAND USE
North: R-4 (Residential) / Park and High Early College
South: R-4 (Residential) / Single-family dwellings
East: R-4 (Residential) / Single-family dwellings
West: C-4 (Commercial) / Vacant

PLAN EL PASO DESIGNATION: O-1 Preserve (Northeast Planning)
NEAREST PARK: Sue Young Park (216 feet)
NEAREST SCHOOL: High Early College (1,447 feet)

NEIGHBORHOOD ASSOCIATIONS
Castner Heights Neighborhood Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 17, 2012. The Planning Division received a letter in opposition to the rezoning request (see Attachment 4, page 7)

APPLICATION DESCRIPTION
The applicant is requesting to rezone the subject property from R-4 (Residential) to C-4 (Commercial) to allow for access for a proposed new warehouse club. The acquisition of the subject property will not affect the drainage runoff. The conceptual site plan shows 138,082 square-foot building and fueling station. Access is proposed from Diana Drive and Gateway North Boulevard. This item is related to a related vacation request SURW12-00018 in process and will be heard along with this item.

PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval** of rezoning the subject property R-4 (Residential) to C-4 (Commercial). The recommendation is based on the compatibility to the existing zoning C-4 (Commercial) adjacent to the west. The drainage flow will not be affected by the acquisition of the subject property.

Plan El Paso- Future Land Use Map Designation
All applications for rezoning shall demonstrate compliance with the following criteria:

O-1 Preserve – O-1 – Preserve: Publicly owned land such as the Franklin Mountains and Hueco Tanks State Parks, all City and County parks and public drainage areas, and cemeteries (even if private). These lands will not be developed due to their ownership and current use.

The purpose of the C-4 (Commercial) district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

COMMENTS:

Planning Division - Transportation
No objections
Note:
1. All proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

City Development Department – Plan Review
No objections.

City Development Department - Land Development
No Objection.

Grading plan and permit shall be required.*
Storm Water Pollution Prevention Plan and/or permit required.*
Drainage plans must be approved by the City Development Dept. Land Development Section.*
Coordination with TXDOT. *

* This requirement will be applied at the time of development.

Fire Department
Recommend approval of "site plan" as presented. It does not adversely affect fire department at this time.
** Note, A more detailed reviewed will be done by fire plan review during the permitting process.

Sun Metro
Sun Metro does not oppose this request.

Police Department
NERCC staff have reviewed attached rezoning application for proposed construction of Sam's Club at Diana and Gateway North, and have no objections or comments to add.

El Paso Water Utilities
We have reviewed the above referenced rezoning and provide the following comments:
1. EPWU-PSB Planning & Development section does not object to this request.
EPWU-PSB Comments

Water:
2. There is an existing 12-inch diameter water main along Diana Drive and along Kenworthy Street. This water main crosses the North Gate Outlet Channel north of Diana Drive in an angle, not along the streets. Also, there is an existing 8-inch diameter water main along US54 that dead-ends just north of RL Shoemaker.
3. A water main extension along Diana Drive or along Gateway North Boulevard (US54) is required to provide service to the subject property.
Sanitary Sewer:
4. There is an existing 12-inch diameter sanitary sewer main along Diana Drive and along Kenworthy Street. This sewer main crosses the North Gate Outlet Channel north of Diana Drive in an angle not along the streets. Also, there is an existing 8-inch diameter water main along RL Shoemaker.
5. Sewer service is critical. A sewer main extension along Diana Drive is required to provide service to the subject property. Depending on the proposed grading of the site and the depth of the North Gate channel culvert across Diana; if the culvert is too deep and the connection to the existing 12-inch sewer main is not possible, a sewer main extension from RL Shoemaker along US54 may be required. This connection also depends on grading and the depth of the culvert since the manhole at the intersection of US54 and RL Shoemaker is only 6-feet deep.
General:
6. Gateway North Boulevard is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and/or sanitary sewer work to be performed within Dyer Street right-of-way requires permits from
7. EPWU requires a new service application to serve the site. 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.

CITY PLAN COMMISSION OPTIONS

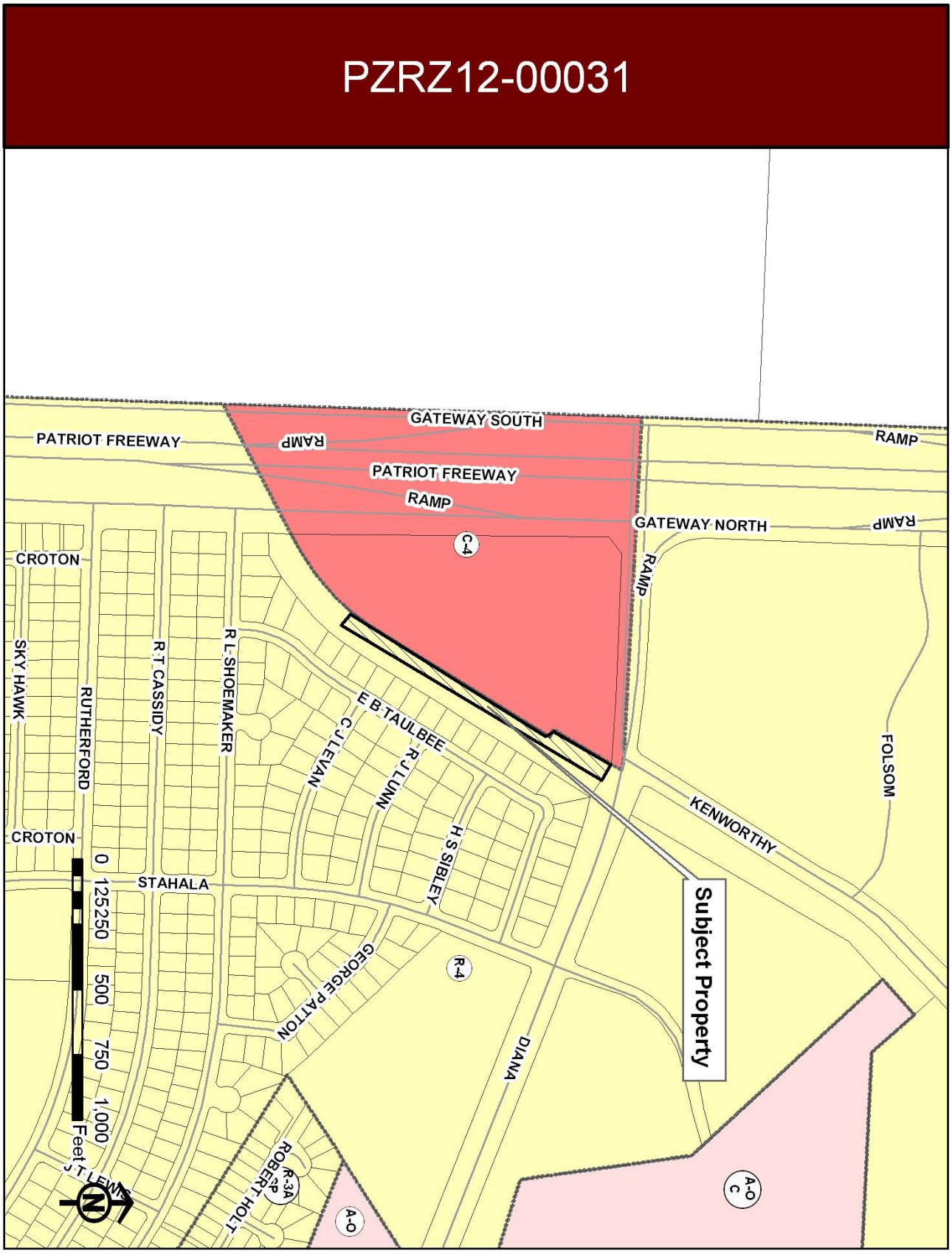
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan 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 Plan 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 Plan El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments:

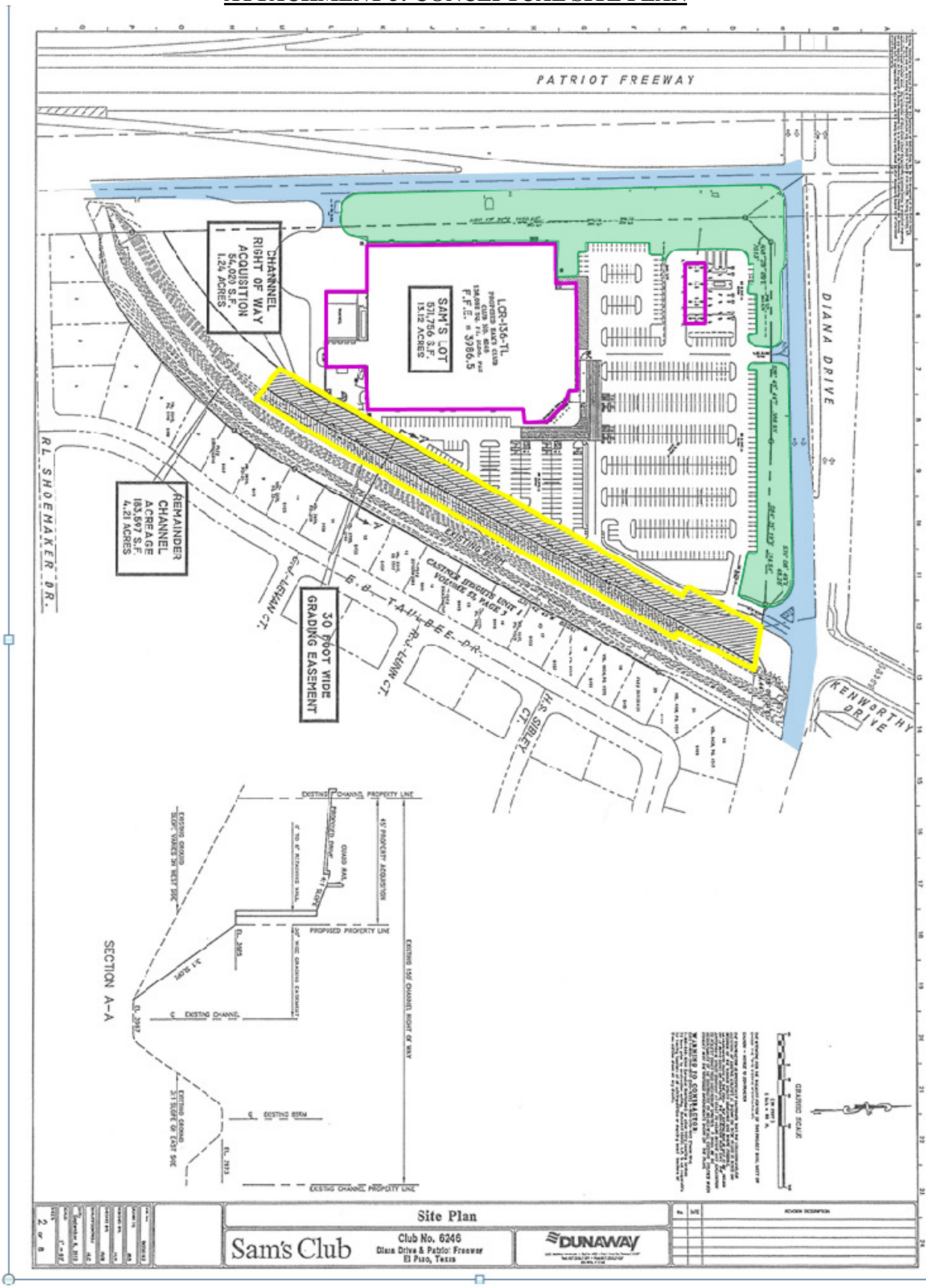
Attachment 1: Zoning Map
Attachment 2: Aerial Map
Attachment 3: Conceptual Site Plan
Attachment 4: Opposition Letter

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: OPPOSITION LETTER

Jerry Haley
9453 E.B. Taulbee, El Paso, Texas 79924 Phone 915-755-7596

October 21, 2012

Jerry Haley
9453 EB Taulbee
El Paso, TX 79924
Case No: PZRZ12-00031
Oppose the rezoning from R4 residential to C-4 commercial

Currently, my home is valued by the city for far more than the market will pay, thus making the taxes inflated. By rezoning to commercial, the value drops again as it is very undesirable for people to purchase a dwelling that is zoned commercial. This will mean paying more tax for even less valued property.

Unless there is a considerable tax decrease on my home that will be moved to a commercially zoned community, I oppose the rezoning.

I read six cases on the internet where Sam's or Walmart stores were built and what the value happened to the adjoining neighborhood home values. All of them decreased measurably, to the point where most could never sell and some simply became abandoned. There are many more cases but I quit reading after this number since it was a complete negative facts findings.

On another point, when construction begins, my backyard and swimming pool will be the recipient of blowing dirt due to grating, unearthing and leveling that will take several months. Who will pay for the environmental clean up of my pool each day as it is impacted from this land disturbance? I do expect an answer on this along with the amount of tax decrease offered on my home. This will give me direction for any necessary law suit I must file and with whom.

Thank you for your consideration of this letter as I have lived here the past 25 years, paid for the home and now retired, never thinking that my quality of life would be so changed in my retirement years.

Jerry Haley Jerry Haley

jhaley@elp.rr.com