

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

DEPARTMENT: City Development Department, Planning Division

AGENDA DATE: Introduction: December 18, 2012
Public Hearing: January 15, 2013

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 4

SUBJECT:

An ordinance changing the zoning of 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 from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Diana Drive and East of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031 (**District 4**)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (5-1)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF 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 FROM R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING A CONDITION. 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 *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*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL)**, 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:

- 1. That A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. 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.*

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Karla M. Nieman
Assistant City Attorney

Mathew S. McElroy, Director
City Development Department

EXHIBIT "A"

Prepared for Dunaway Associates
September 20, 2012

METES AND BOUNDS DESCRIPTION

Being a Portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, recorded in volume 53, page 3, Plat records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city brass disk monument for the northwest corner of Section 2, Block 81, Township 2, Texas and Pacific Railway Surveys from which a U.S. Government brass disk for the southwest corner of Section 2, Block 81, Township 2, Texas and Pacific Railway Surveys bears South 01°56'40" West (S 01°12'06" E, Book 45, Page 30) a distance of 5293.31 feet, Thence along the westerly line of said section 2, South 01°56'40" West (S 01°12'06" E, Book 45, Page 30) a distance of 465.30 feet to a found brass cap sheared off, Thence leaving said section line South 87°49'34" East, passing a TX DOT Brass disk at a distance of 522.41 a total distance of 860.30 feet to a point; Thence South 07°12'38" East a distance of 107.02 feet to a set ½" rebar with cap marked TX 5152 on the southerly right of way line of Diana Drive, said point being the northeasterly corner of Lot 1, Block 3, Castner Range Subdivision Unit One for the "TRUE POINT OF BEGINNING".

Thence along the southerly right of way line of Diana Drive, South 78°09'36" East (S 81°15'35" E, Book 45, Page 30) a distance of 74.43 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said right of way line South 31°42'45" West a distance of 988.10 feet to a set ½" rebar with cap marked TX 5152;

Thence 127.21 feet along the arc of a curve to the right which has a radius of 886.93 feet a central angle of 08°13'04" a chord which bears South 35°49'17" West a distance of 127.10 feet to a set ½" rebar with cap marked TX;

Thence, North 50°04'11" West a distance of 45.00 feet to a set ½" rebar with cap marked TX 5152 on the easterly line of Lot 1, Block 3, Castner Range Subdivision Unit One recorded in Volume 3, Page 45, Plat records of El Paso County, Texas;

Thence along said line, 120.76 feet along the arc of a curve to the left which has a radius of 841.93 feet a central angle of 08°13'04" a chord which bears North 35°49'17" East a distance of 120.65 feet to a set ½" rebar with cap marked TX 5152;

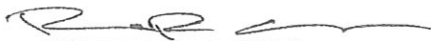
Thence along said line North 31°42'45" East (N 28°33'59" E, Vol. 3, Page 45 a distance of 793.63 feet to a set ½" rebar with cap marked TX 5152;

Thence along said line, North 58°17'24" West (N 61°26'10" E, Vol. 3, Pg. 45) a distance of 25.00 feet to a set ½" rebar with cap marked TX 5152;

Thence along said line, North 31°42'45" East (N 28°33'59" W, Vol. 3, Page 45) a distance of 169.17 feet to "TRUE POINT OF BEGINNING" and containing 54,020 square feet or 1.2401 acres of land more or less.

Note: Bearing basis is per Texas State Plane Coordinate System Central Zone 4203, NAD 83.

Description prepared from a ground survey performed on September 20, 2012



Ron R. Conde
R.P.L.S. No. 5152



Job No. 912-40

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283
FAX (915) 592-0286

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C5	886.93'	127.21'	63.71'	127.10'	S35°49'17"W	8°13'04"
C6	841.93'	120.75'	60.48'	120.65'	N35°49'17"E	8°13'04"

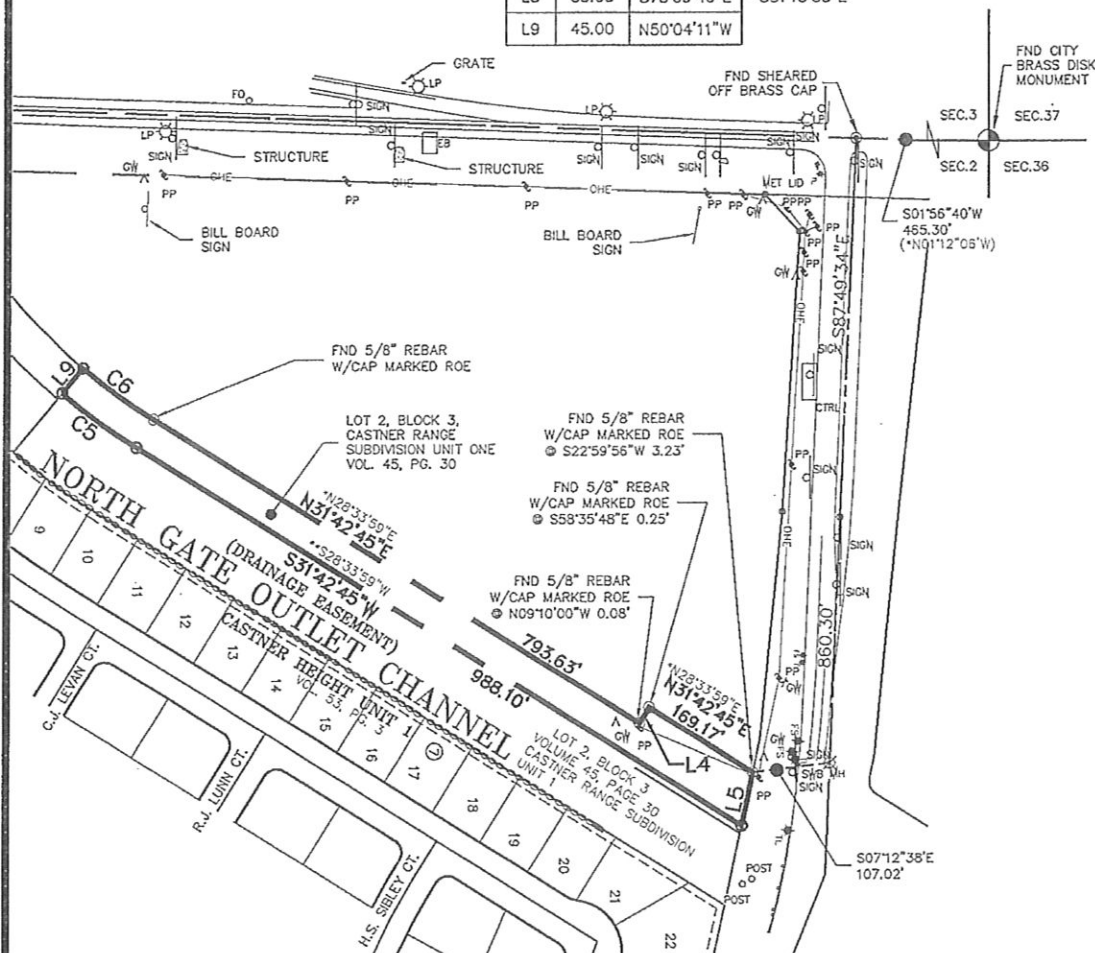
NOTE:

1. BEARING BASIS IS PER TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE 4203, NAD 83
2. CASTNER RANGE SUBDIVISION RECORDED IN BOOK 45, PAGE 30, PLAT RECORDS OF EL PASO COUNTY, TEXAS.
3. RECORD INFORMATION IS AS PER ADJOINING PLATS AND REFERENCED HERE IN BY "a" SYMBOL TO CORRESPOND TO THE RECORD CALLS. ALL PLATS ARE RECORDED PLATS WITH THE EL PASO COUNTY PLAT RECORDS.

*CASTNER RANGE SUBDIVISION UNIT ONE (VOL. 45, PG. 30)
 **CASTNER HEIGHTS UNIT ONE (VOL. 53, PG. 3)

LINE TABLE			
LINE	LENGTH	BEARING	
L4	25.00	N58°17'24"W	*N61°26'10"W
L5	85.05	S78°09'46"E	*S81°15'35"E
L9	45.00	N50°04'11"W	

SYMBOL LEGEND	
⊙	FOUND CONTROL POINT
⊕	FOUND CITY BRASS DISK MON.
○	SET 1/2" REBAR W/CAP 5152
XX	CALCULATED POINT
⊕	TELEPHONE MAN HOLE
⊕	LIGHT POLE
⊕	GUY WIRE
⊕	TRAFFIC CONTROL BOX
⊕	TRAFFIC SIGN
⊕	FLASHING SIGNAL
⊕	TRAFFIC LIGHT
—○—	GUARD RAIL
—○—	OVER HEAD ELECTRIC



SCALE: 1"=200'

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

RON R. CONDE R.P.L.S. #5152

JOB # 912-40 DATE: SEPTEMBER 20, 2012 FIELD: A.V. OFFICE: F.R.
 LOCATED IN ZONE D PANEL # 480214-0024B DATED OCT. 15, 1982
 RECORDED IN VOLUME 53, PAGE 3, PLAT RECORDS OF EL PASO COUNTY, TEXAS



A PORTION OF THE NORTH GATE OUTLET CHANNEL
 R.O.W. OUT OF CASTNER HEIGHTS UNIT ONE
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.
 6080 SURETY SUITE 100
 EL PASO, TEXAS 79905

CADD FILE: S:\SURVEY\NE\91240

MEMORANDUM

DATE: December 10, 2012

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

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ12-00031

The City Plan Commission (CPC), on November 15, 2012, voted 5-1 to recommend **approval** of rezoning the subject property from R-4 (Residential) to C-4 (Commercial) with a condition.

The CPC found that the rezoning is in conformance with the Plan El Paso. The CPC also determined that the 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 rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is opposition to this request.

Attachment:
Staff Report



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

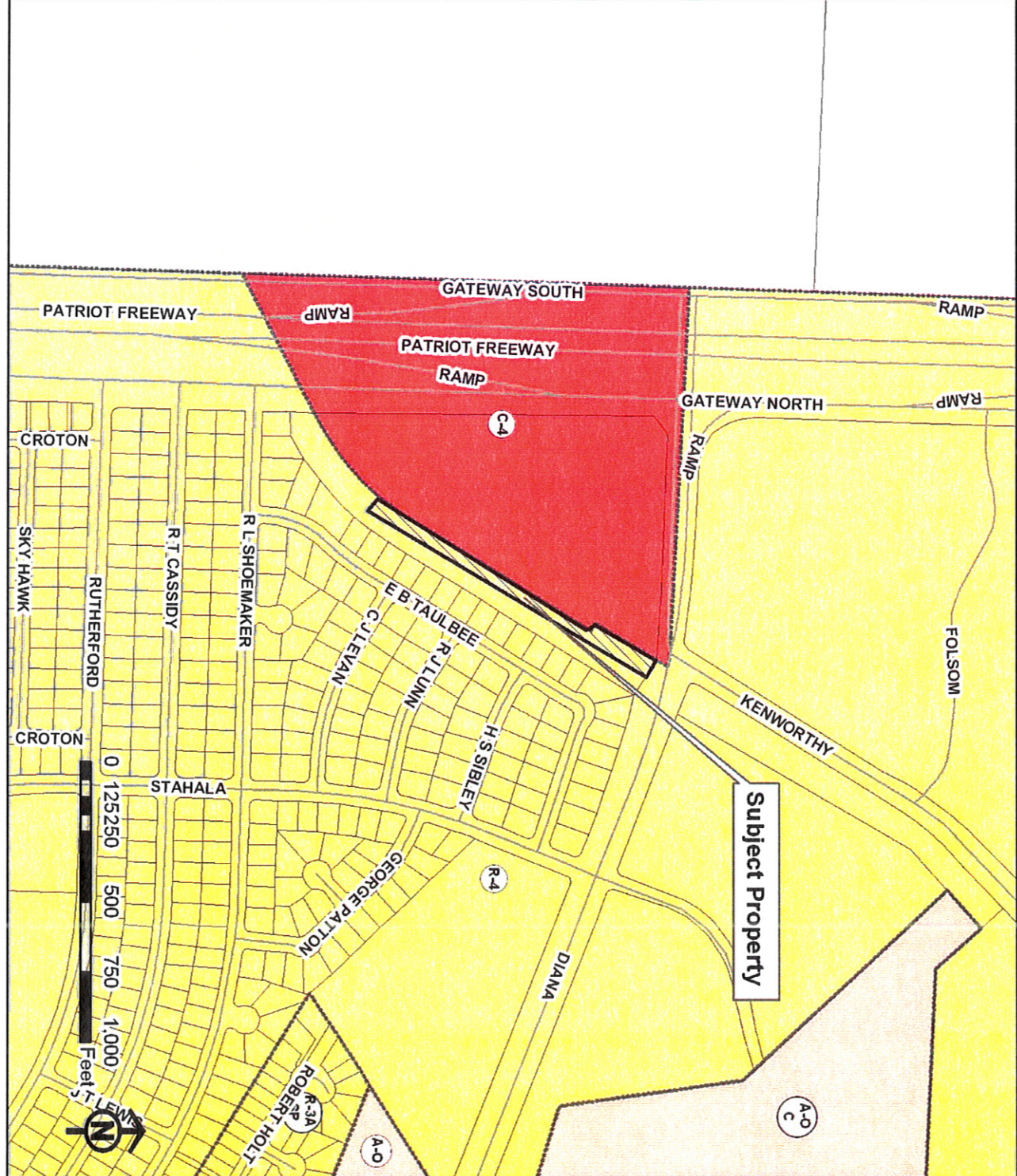
Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

Attachment 4: Opposition Letter

ATTACHMENT 1: ZONING MAP

PZRZ12-00031



ATTACHMENT 2: AERIAL MAP

PZRZ12-00031



[illegible]

ATTACHMENT 4: OPPOSITION LETTER

Jerry Haley

October 21, 2012

Jerry Haley

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.

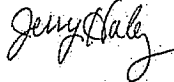
Unless there is a considerable tax decrease on my home that will be moved to a commercially zoned community, I oppose the rezoning.

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



jhaley@elp.rr.com