

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

**AGENDA DATE:** July 7, 2021  
**PUBLIC HEARING DATE:** August 3, 2021

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Philip F. Etiwe, (915) 212-1553  
Raul Garcia, (915) 212-1643

**DISTRICT(S) AFFECTED:** District 6

**STRATEGIC GOAL:** #3 Promote the Visual Image of El Paso

**SUBGOAL:** 3.1 Provide business friendly permitting and inspection processes  
3.2 Improve the visual impression of the community

**SUBJECT:**

An Ordinance changing the zoning of Tract of land situated in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso, County, Texas; said Tract being part of Lots 1 & 2, Block 2, A & M Addition, an addition to the City of El Paso according to the plat recorded in Volume 45, Page 10 of the Official Public Records of El Paso County, Texas; said Tract being part of that Tract of land described in Assumption Special Warranty Deed to Ben L. Ivey, LTD. recorded in Instrument No. 20020012761 of said Official Public Records; said Tract also being all of that Tract of land described in Assumption Special Warranty Deed to Ben L. Ivey, LTD. recorded in Instrument No. 20020012760 of said Official Public Records; said Tract also being part of Parcel 1 and all of Parcel 2 described in Deed of Trust recorded in Instrument No. 20190062708 of said Official Public Records, City of El Paso, El Paso County, Texas from A-2/sc (Apartment/special contract) to C-4/sc (special contract) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed rezoning meets the intent of the Future Land Use designation for the property and is in accordance with *Plan El Paso*, the City's Comprehensive Plan.

Subject Property: 9641 North Loop Drive and 215 Sofia Place  
Applicant: Kimely-Horn and Associates, Inc. PZRZ21-00005

**BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone from A-2/sc (Apartment/special contract) to C-4/sc/c (Commercial/special contract/conditions) to allow for general warehouse and industrial development. City Plan Commission recommended 8-0 to approve the proposed rezoning with imposing conditions on June 3, 2021. As of June 25, 2021, the Planning Division received a letter in support of the rezoning request. Two presidents of Mission Valley Civic Association and Corridor 20 Civic Association spoke in favor of the request via the virtual CPC meeting. See attached staff report for additional information.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?**  X  YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division

**SECONDARY DEPARTMENT:** N/A

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

**DEPARTMENT HEAD:** \_\_\_\_\_

*Philip Etiwe*

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

AN ORDINANCE CHANGING THE ZONING OF TRACT OF LAND SITUATED IN THE YSLETA TOWN TRACT SURVEY, ABSTRACT NO. 214, CITY OF EL PASO, EL PASO, COUNTY, TEXAS; SAID TRACT BEING PART OF LOTS 1 & 2, BLOCK 2, A & M ADDITION, AN ADDITION TO THE CITY OF EL PASO ACCORDING TO THE PLAT RECORDED IN VOLUME 45, PAGE 10 OF THE OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS; SAID TRACT BEING PART OF THAT TRACT OF LAND DESCRIBED IN ASSUMPTION SPECIAL WARRANTY DEED TO BEN L. IVEY, LTD. RECORDED IN INSTRUMENT NO. 20020012761 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING ALL OF THAT TRACT OF LAND DESCRIBED IN ASSUMPTION SPECIAL WARRANTY DEED TO BEN L. IVEY, LTD. RECORDED IN INSTRUMENT NO. 20020012760 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING PART OF PARCEL 1 AND ALL OF PARCEL 2 DESCRIBED IN DEED OF TRUST RECORDED IN INSTRUMENT NO. 20190062708 OF SAID OFFICIAL PUBLIC RECORDS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2/SC (APARTMENT/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CONDITIONS. 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:

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of Tract of land situated in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso, County, Texas; said tract being part of Lots 1 & 2, Block 2, A & M Addition, an addition to the City of El Paso according to the plat recorded in Volume 45, Page 10 of the Official Public Records of El Paso County, Texas; said tract being part of that tract of land described in Assumption Special Warranty Deed to Ben L. Ivey, Ltd. recorded in Instrument No. 20020012761 of said Official Public Records; said tract also being all of that tract of land described in Assumption Special Warranty Deed to Ben L. Ivey, Ltd. recorded in Instrument No. 20020012760 of said Official Public Records; said tract also being part of Parcel 1 and all of Parcel 2 described in Deed of Trust recorded in Instrument No. 20190062708 of said Official Public Records, located in the City of El Paso, El Paso County, Texas, more particularly described by the metes and bounds attached as **Exhibit "A"**, be changed from **A-2/sc (Apartments/special contract)** to **C-4/sc (Commercial/special contract)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso, attached hereto as **Exhibit "B"**, be revised accordingly; and

That the following Conditions are imposed:

1. That a twenty foot (20') landscaped buffer be installed with high-profile native or naturalized trees of at least two-inch (2") caliper, ten feet (10') in height, and shall be placed at fifteen feet (15') on center along the southwesterly property line adjacent to the Mesa Drain. The landscaped buffer 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 for any buildings or development located within 1000 feet of the southwesterly property line.
2. That a twenty foot (20') landscaped buffer be installed with high-profile native or naturalized trees of at least two-inch (2") caliper, ten feet (10') in height, and shall be placed at fifteen feet (15') on center along the property lines adjacent to the existing nursing home facility. The landscaped buffer 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.

3. That an six foot (6') masonry wall along the southwesterly property line adjacent to the Mesa Drain be installed prior to certificates of occupancy for any buildings or development located within 1000 feet of the southwesterly property line.
4. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code.
5. That prior to the issuance of certificates of occupancy, a 4-way stop be installed at the intersection of the southwesterly most access way and Camino Del Rey.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
Oscar Leeser, Mayor

\_\_\_\_\_  
Laura D. Prine, City Clerk

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT:**



\_\_\_\_\_  
Russell T. Abeln  
Assistant City Attorney



\_\_\_\_\_  
Philip F. Etiwe, Director  
Planning & Inspections Department

# EXHIBIT A

## LEGAL DESCRIPTION

229.7950 ACRE ZONING AREA

**BEING** a 229.7950 acre (10,009,868 square foot) tract of land situated in the Ysleta Town Tract Survey, Abstract No. 214, City of El Paso, El Paso, County, Texas; said tract being part of Lots 1 & 2, Block 2, A & M Addition, an addition to the City of El Paso according to the plat recorded in Volume 45, Page 10 of the Official Public Records of El Paso County, Texas; said tract being part of that tract of land described in Assumption Special Warranty Deed to Ben L. Ivey, Ltd. recorded in Instrument No. 20020012761 of said Official Public Records; said tract also being all of that tract of land described in Assumption Special Warranty Deed to Ben L. Ivey, Ltd. recorded in Instrument No. 20020012760 of said Official Public Records; said tract also being part of Parcel 1 and all of Parcel 2 described in Deed of Trust recorded in Instrument No. 20190062708 of said Official Public Records; said tract being more particularly described as follows:

**COMMENCING** at a 5/8-inch iron rod found at the intersection of the east right-of-way line of Americas Avenue (Loop 375) (a 370-foot Wide right-of-way) and the north line of Mesa Drain recorded in Volume 317, Page 477 of said Official Public Records; said point also being the west corner of that tract of land described in Warranty Deed to Ben L. Ivey, Ltd, recorded in Instrument No. 20120046828 of said Official Public Records;

**THENCE** South 37°12'57" East, departing the said east line of Americas Avenue and along the north line of Mesa Drain, a distance of 379.60 feet to the **POINT OF BEGINNING**; from said point a brass disk stamped "CoEP" found bears South 16°48'26" West, a distance of 535.26 feet;

**THENCE** North 41°14'16" East, departing the said north line of Mesa Drain, a distance of 2990.68 feet to a point for corner:

**THENCE** South 48°46'05" East, a distance of 542.74 feet to a 1/2-inch iron rod found for corner;

**THENCE** North 69°31'53" East, a distance of 35.50 feet to a point for corner;

**THENCE** South 39°10'54" East, a distance of 2425.70 feet to a point for corner;

**THENCE** South 20°12'12" East, a distance of 10.24 feet to a point for corner;

**THENCE** South 42°39'53" East, a distance of 283.70 feet to a point for corner;

**THENCE** South 78°39'25" East, a distance of 64.10 feet to a point for corner;

**THENCE** South 40°48'35" West, a distance of 1006.06 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 36°29'50" a radius of 1255.01 feet, a chord bearing and distance of North 51°58'51" West, 785.99 feet;

ZONING EXHIBIT  
229.7950 ACRE TRACT  
YSLETA TOWN TRACT SURVEY,  
ABSTRACT NO. 214  
CITY OF EL PASO  
EL PASO COUNTY, TEXAS

r.	iJ:l	Y.,!	H2rJJ,,
		G h G h G b	Q!!!! P. r. c. No.
NIA	MC8	!<HA	2/1012021 061282E15 1 OF 5

**THENCE** in a northwesterly direction, with said curve to the right, an arc distance of 799.44 feet to a point for corner;

**THENCE** North  $33^{\circ}43'56''$  West, a distance of 1190.01 feet to a point for corner;

**THENCE** South  $56^{\circ}16'04''$  West, a distance of 1200.0 feet to a point for corner;

**THENCE** South  $33^{\circ}43'56''$  East, a distance of 1190.01 feet to a point at the beginning of a tangent curve to the left having a central angle of  $34^{\circ}35'09''$ , a radius of 13750.1 feet, a chord bearing and distance of South  $51^{\circ}01'30''$  East, 817.46 feet;

**THENCE** in a southeasterly direction, with said curve to the left, an arc distance of 830.01 feet to a point for corner;

**THENCE** South  $40^{\circ}48'35''$  West, a distance of 2195.17 feet to a point for corner in the said north line of Mesa Drain;

**THENCE** North  $36^{\circ}35'12''$  West, along the said north line of Mesa Drain, a distance of 3050.18 feet to a point for corner in the east right-of-way line of Camino Del Rey Drive (a 56-foot wide right-of-way);

**THENCE** along the said east line of Camino Del Rey Drive, the following four (4) calls:

North  $52^{\circ}10'59''$  East, a distance of 95.11 feet to a point for corner;

North  $53^{\circ}19'44''$  East, a distance of 143.35 feet to a point at the beginning of a tangent curve to the left having a central angle of  $12^{\circ}06'10''$ , a radius of 1378.00 feet, a Chord bearing and distance of North

**THENCE** North  $48^{\circ}46'26''$  West, along the northeast line of said Rancho Del Rey Unit One, a distance of 438.47 feet to a point for the northwest terminus corner of said Camino Del Rey Drive;

**THENCE** along the west line of said Camino Del Rey Drive, the following four (4) calls:

South  $41^{\circ}13'34''$  West, a distance of 969.35 feet to a point at the beginning of a tangent curve to the right having a central angle of  $12^{\circ}06'10''$ , a radius of 1322.00 feet, a chord bearing and distance of South  $47^{\circ}16'39''$  West, 278.73 feet;

In a southwesterly direction, **with** said curve to the right, an arc distance of 279.25 feet to a point for corner;

South  $53^{\circ}19'44''$  West, a distance of 143.35 feet to a point for corner;

**THENCE** South  $54^{\circ}28'29''$  West, a distance of 95.03 feet to a point for corner in the said north line of Mesa Drain;

**THENCE** North  $37^{\circ}12'57''$  West, along the said north line of Mesa Drain, a distance of 288.78 feet to the **POINT OF BEGINNING** and containing 229.7950 acres or 10,009,868 square feet of land, more or less.

# EXHIBIT B

## AMERICAS AVENUE (LOOP 375 -

(A 370-FOOT WID RIGHT-OF-WAY) -

BEN L. JVEY, LTD.

(INST. NO. 20120046828)

## CAMINO DEL REY DRIVE

(A 56-FOOT WIDER RIGHT-OF-WAY)

RANCHO DEL REY  
UNIT ONE  
(IN ST. NO.  
20130079760)

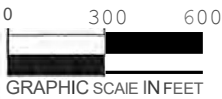
### LEGEND

- ti. ° CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- VF = V CUT IN CONCRETE FOUND

**ZONING AREA**  
**229.7950 ACRES**  
**10,009,868 SQ. FT.**

BEN L. IVEY, LTD.  
(INST. NO. 20020012760)  
(INST. NO. 20020012761)  
(INST. NO. 20190062708)

...J PARCEL 1  
BEN L. IVEY, LTD.  
(REC. INFO. UNK.)  
(REF: INST. NO.  
20190062708) /



Y SLETA TOWN TRACT SURVEY - ABS MACT NO. 214

INHABITANTS OF SOCORRO SURVEY - ABSTRACT NO. 216

LOUIS BURRUS L10  
(VOL. 1322, PG. 440)  
(VOL. 1052, PG. 44)

CITY OF EL PASO  
(BK 2131, PG. 721)

### NOTES

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone (4203). A metes & bounds description of even survey date herewith accompanies this survey plat.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the zoning tract.

***Lz!***

MICHAEL C. BILLINGSLEY  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 6558  
801 CHERRY STREET,  
UNIT 11 SUITE 1300  
FORT WORTH, TEXAS 76102  
PH. 817-335-6511  
michael.billingsley@kimley-horn.com

AEL CLEO BILLINGS  
6558  
f. EsS

**ZONING EXHIBIT**  
**229.7950 ACRE TRACT**  
**YSLETA TOWN TRACT SURVEY,**  
**ABSTRACT NO. 214**  
**CITY OF EL PASO**  
**EL PASO COUNTY TEXAS**

Fort Worth, Texas 76102 FIRM# 10194040 www.kimley-horn.com  
WJa, MCB Checked Jlv !!212. Project Nfi. 1  
1" = 600' KHA 211017.021 001282625 40 F 5

LINE TABLE

NO.	BEARING	LENGTH
L1	S37°12'57"E	379.60'
L2	S16°48'26"W	535.26'
L3	N41°14'16"E	2990.68'
L4	S48°46'05"E	542.74'
LS	N69°31'53"E	35.50'
L6	S39°10'54"E	2425.70'
L7	S20°12'12"E	10.24'
LB	S42°39'53"E	283.70'
L9	S78°39'25"E	64.10'
L10	S40°48'35"W	1006.06'
L11	N33°43'56"W	1190.01'
L12	S56°16'04"W	120.00'
L13	S33°43'56"E	1190.01'
L14	S40°48'35"W	2195.17'
L15	N36°35'12"W	3050.18'
L16	N52°10'59"E	95.11"
L17	N53°19'44"E	143.35'

CURVETABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	36°29'50"	1255.01'	799.44'	N51°58'51"W	785.99'
C2	34°35'09"	1375.01'	830.01'	S51°01'30"E	817.46'
C3	12°06'10"	1378.00'	291.08'	N47°16'39"E	290.54'
C4	12°06'10"	1322.0'	279.25'	S47°16'39"W	278.73'



# 9641 North Loop Dr. and 215 Sofia Pl.

City Plan Commission — June 3, 2021 **REVISED**

REZONING



<b>CASE NUMBER:</b>	<b>PZRZ21-00005</b>
<b>CASE MANAGER:</b>	Raul Garcia, 915-212-1643, GarciaR1@elpasotexas.gov
<b>PROPERTY OWNER:</b>	Ivey Investments, LTD
<b>REPRESENTATIVE:</b>	Kimley-Horn and Associates, Inc.
<b>LOCATION:</b>	9641 North Loop Dr. and 215 Sofia Pl. (District 6)
<b>PROPERTY AREA:</b>	229.79 acres
<b>REQUEST:</b>	Rezone from A-2/sc (Apartment/special contract) to C-4/sc (Commercial/special contract)
<b>RELATED APPLICATIONS:</b>	PLCP21-00001 Comprehensive Plan Amendment
<b>PUBLIC INPUT:</b>	None as of May 27, 2021

**SUMMARY OF REQUEST:** The applicant is requesting to rezone from A-2/sc (Apartment/special contract) to C-4/sc/c (Commercial/special contract/condition) to allow for general warehouse and industrial development.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the request with the following conditions:

1. That a twenty foot (20') landscaped buffer be installed with high-profile native or naturalized trees of at least two-inch (2") caliper, ten feet (10') in height, and shall be placed at fifteen feet (15') on center along the southwesterly property line adjacent to the Mesa Drain. The landscaped buffer 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 for any buildings or development located within 1000 feet of the southwesterly property line.
2. That a twenty foot (20') landscaped buffer be installed with high-profile native or naturalized trees of at least two-inch (2") caliper, ten feet (10') in height, and shall be placed at fifteen feet (15') on center along the property lines adjacent to the existing nursing home facility. The landscaped buffer 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.
3. That a six-foot (6) masonry wall along the southwesterly property line adjacent to the Mesa Drain be installed prior to certificates of occupancy for any buildings or development located within 1000 feet of the southwesterly property line.
4. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code
5. That prior to the issuance of certificate of occupancy, a 4-way stop be installed at the intersection of the southwestern most access way and Camino Del Rey.

The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential, apartment, and commercial districts in the immediate area. It is also based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan.

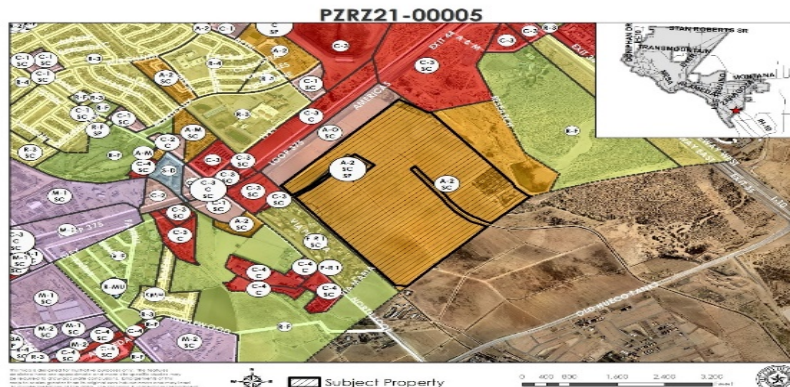


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting to rezone the subject property from A-2/sc (Apartment/special contract) to C-4/sc/c (Commercial/special contract/condition) to allow for proposed general warehouse and industrial business park. The conceptual site plan shows thirteen (13) warehouse and industrial buildings. Access to the subject property is provided from Americas Avenue and Camino Del Rey Drive.

**PREVIOUS REZONING:** On May 1, 1979, City Council approved a rezoning of the subject property from R-F (Ranch and Farm) to A-2 (Apartment) with the following special contract conditions imposed by Ordinance No. 6567:

1. No development of any kind will be done on any parcel of the property until complete and detailed site development and architectural plans of the proposed development on such parcel have been submitted by First Parties and approved by the City Plan Commission of the City of El Paso.
2. No building permits will be issued for construction on parcel numbers 6B, 7A, 7B, 8B and 11B in Exhibit "A" attached hereto, until a subdivision map of the parcel upon which construction is to be performed has been approved by the City Plan Commission of the City of El Paso and filed for record.
3. The total number of dwelling units to be constructed on the portions of the property which are zoned A-2 and are described as parcel number 6B, 7B, 8B, and 11B in Exhibit "A" attached hereto, shall not exceed 1500 units, notwithstanding the maximum number permitted under A-2 zoning. The term "dwelling unit" as used herein shall mean: one or more habitable rooms, including kitchen facilities, designed for occupancy by one family for living and sleeping purposes.

Special contract condition #1 will be satisfied by required detailed site development plan. Special contract condition #2 will be satisfied by requirement for subdivision plat. Special contract condition #3 will not apply since the proposed development does not include any dwelling units.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed district is consistent with the surrounding residential, apartment, and heavy commercial districts in the immediate area, and meets the established character of the neighborhood surrounding the subject property. Furthermore, the proposed development meets the intent of the G-7, Industrial and/or Railyards designation of *Plan El Paso* in the Mission Valley planning area.

<b>COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:</b>	
<b>Criteria</b>	<b>Does the Request Comply?</b>
<p><b>Future Land Use Map:</b> Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><b>G-7, Industrial and/or Railyards:</b> This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing railyards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes, the subject property and the proposed developments meet the intent of the G-7 Industrial and/or Railyards Future Land Use designation of <i>Plan El Paso</i>. The proposed development is adjacent to apartment, residential, and commercial lots; therefore, has the potential to repurpose the lot for commercial and industrial employment to that has been vacant since 1978. The proposed development is adjacent to commercial and contributes to the addition of missing mixed commercial and industrial uses provided to surrounding neighborhoods within the area of the existing vacant lot and potentially reduces travel and infrastructure needs.</p>

**COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:**

<p><b>Compatibility with Surroundings:</b> The proposed zoning district is compatible with those surrounding the site:</p> <p><b>C-4 (Commercial) District:</b> The purpose of this 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.</p>	<p>Yes, the proposed commercial development uses are consistent with the commercial neighborhood. Commercial uses are common and appropriate in this sector. The surrounding properties are zoned P-R 1 (Planned-Residential 1), A-2 (Apartment), A-O (Apartment/Office), and C-3 (Commercial). The proposed development is adjacent to residential development, assisted living facility, and vacant lots; therefore, has the potential to repurpose the lot for commercial development and employment to that has been non-developed lot for years.</p>
<p><b>Preferred Development Locations:</b> Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes, the property is located on Americas Avenue which is classified as a freeway on the City of El Paso’s Major Thoroughfare Plan.</p>
<p><b>THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:</b></p>	
<p><b>Historic District or Special Designations &amp; Study Area Plans:</b> Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A. The proposed development is not within any historic districts or study area plan boundaries.</p>
<p><b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>The proposed development is not anticipated to pose any adverse effects on the community. The proposed development will match development immediately surrounding the subject property.</p>
<p><b>Natural Environment:</b> Anticipated effects on the natural environment.</p>	<p>Subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.</p>
<p><b>Stability:</b> Whether the area is stable or in transition.</p>	<p>The area is stable and the proposed development is compatible with the existing residential zoning and uses of the surrounding properties.</p>
<p><b>Socioeconomic &amp; Physical Conditions:</b> Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.</p>	<p>The proposed development is in transition from inactive agricultural uses for the property. The established neighborhood is comprised of a residential and commercial development. There have been recent rezoning requests for this area to the northwest and southwest in 1979 and 1982 respectively.</p>

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The subject property borders Americas Avenue and Camino Del Rey Drive, which are designated a freeway and collector as per the City of El Paso's Major Thoroughfare Plan. Access is proposed from Americas Drive and Camino Del Rey Drive. It is adequate to serve the development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No objections to the proposed rezoning. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the Mission Valley Civic Association and Corridor 20 Civic Association, which was notified prior to submittal of the Rezoning Application. The Planning & Inspections Department of the City of El Paso, in conjunction with the office of Representative Claudia Rodriguez, held two virtual community meetings April 22, 2021 and May 6, 2021 providing information on the proposed rezoning. As required, public notices were mailed to property owners within 300 feet on May 21, 2021. As of May 28, 2021, the Planning Division has received one letter in support of the rezoning request.

**RELATED APPLICATIONS:** PLCP21-00001 Comprehensive Plan Amendment.

**CITY PLAN COMMISSION OPTIONS:**

The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

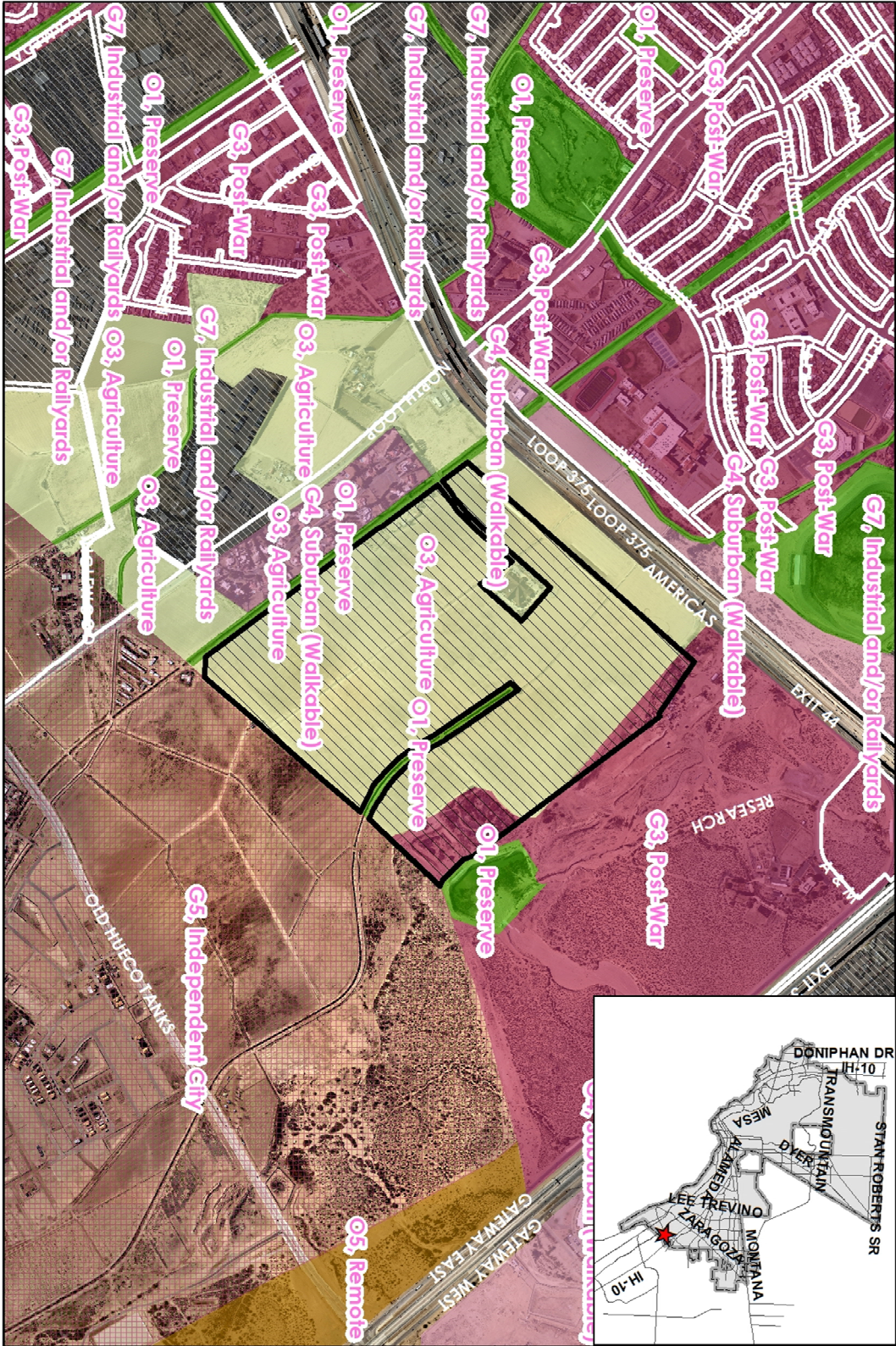
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

**ATTACHMENTS:**

1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Site Plan
5. Letter of support

# ATTACHMENT 1

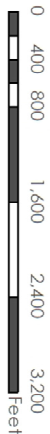
PZRZ21-00005



This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Engagements of this nature are not intended to be used for any legal or regulatory purposes. Planning Division makes no claim to its accuracy or completeness.



Subject Property



# **ATTACHMENT 2**

## **Planning and Inspections Department – Planning Division**

The Planning Division recommended approval of the rezoning request with the following conditions:

1. That a twenty-foot (20') landscaped buffer be installed with high-profile native or naturalized trees of at least two-inch (2") caliper, ten feet (10') in height, and shall be placed at fifteen feet (15') on center along the southwesterly property line adjacent to the Mesa Drain. The landscaped buffer 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 for any buildings or development located within 1000 feet of the southwesterly property line.
2. That a twenty-foot (20') landscaped buffer be installed with high-profile native or naturalized trees of at least two-inch (2") caliper, ten feet (10') in height, and shall be placed at fifteen feet (15') on center along the property lines adjacent to the existing nursing home facility. The landscaped buffer 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.
3. That a six-foot (6) masonry wall along the southwesterly property line adjacent to the Mesa Drain be installed prior to certificates of occupancy for any buildings or development located within 1000 feet of the southwesterly property line.
4. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code.
5. That prior to certificates of occupancy, a 4-way stop be installed at the intersection of the southwestern most access way and Camino Del Rey.

## **Planning and Inspections Department – Plan Review**

Recommend approval of the rezoning request.

## **Planning and Inspections Department – Landscaping Division**

Recommend approval of the rezoning request.

## **Planning and Inspections Department – Land Development**

*(Comments will be addressed at the subdivision platting stage.)*

1. Show proposed drainage flow patterns on the preliminary plat. Identify the storage location for developed storm-water runoff within subdivision limits.
2. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
3. Coordinate plat with the Water Improvement District #1 for proposed improvements abutting laterals, bridge crossings, and securing access and if retaining water rights for the subdivision.

### **Street and Maintenance Department**

The feasibility of the recommended mitigation for this TIA is currently under review by the SAM Department and TxDOT. Once all parties come to a consensus on the mitigation and developer's proportionate share then the TIA will be approved.

### **Texas Department of Transportation (TxDOT)**

We are reviewing this request. The requestor will move forward with the location of the driveways that they have revised from the original comments we provided. The driveway will be approved when:

1. The final site plans and grading and drainage plan are submitted for review.
2. TIA comments are addressed, and
3. Any proposed work on North Loop is also submitted for review and approval.

After reviewing the warrant study, we agree that the study provided does meet the minimum criteria for a traffic signal installation based on the projected volumes provided in the study. However, the intersection narrowly meets the peak hour vehicle volume warrant 3 in the year 2027 causing reason for concern that the signal should not be installed before the short-range horizon year (2027). We are also recommending that a follow up vehicle count and warrant study be conducted the year prior to installing the traffic signal to verify the projected volumes are indeed being generated by the proposed development.

### **Fire Department**

No comments received.

### **Sun Metro**

No objections.

### **El Paso Water**

Analysis of the water and sewer systems in the area is required to determine the number of connections to the water systems to be able to supply water demand and fire protection and also the connection points to the sewer system.

Water:

There is an existing 12-inch diameter water main that extends along Camino Del Rey Dr., located approximately 19-feet west of the eastern right-of-way line. This main is available for service and main extensions.

There is an existing 48-inch diameter water transmission main that extends along an existing 30-foot PSB easement. This easement is along the northern portion of the subject property. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Sanitary Sewer:

There is an existing 15-inch diameter sanitary sewer main that extends along Camino Del Rey Dr., located approximately 18-feet east of the western right-of-way line. This main is available for service and main extensions.

There is an existing 18-inch/21-inch sanitary sewer main that extends along a 30-foot PSB easement along the north portion of the subject property. No direct service connections are allowed to this sanitary sewer main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

There is an existing 48-inch diameter sanitary sewer interceptor located approximately 20-feet west into the Mesa Drain right-of-way from its eastern boundary line. No direct service connections are allowed to this sanitary sewer main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

A sanitary sewer main extension to the nearest manhole will be required to provide service from this 48-inch diameter sanitary sewer main.

#### General

Mesa Drain is an El Paso County Water Improvement District No. 1 facility. Permits for installation of sanitary sewer main and manholes within the right of way are required. Owner/Developer is responsible for permit, survey, and consideration fees.

Water and sanitary sewer main extensions will be required to provide service to the proposed development. Water mains shall be extended creating a looped system. The Owner/Developer is responsible for the water main extension costs.

During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater Rules and Regulations. The applicant 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.

#### **El Paso Water – Stormwater Engineering**

*(Comments will be addressed at the subdivision platting stage)*

EPWater – Stormwater Engineering opposes to the rezoning case for the following reasons:



- Americas Ten Dam is located upstream of the area of interest within the applicant's property; it's heavily silted, it's landlocked and its capacity is therefore diminished.
- In Order to get in and remove the silt, a permanent and drivable access easement is required. EPWater has been working on attaining such an easement from the property owner but has been unsuccessful.
- If the Dam were to fail, the properties downstream would be at risk of inundating.
- Research Dr. was platted in the 1980's but the road was never developed.
- If an access easement is not granted, then Research Drive would need to be improved in order to access the Dam as originally intended.
- As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
- North Loop Dr. & Americas Ave. (Loop #375) are both state highways and they are not designed to take in any off-site runoff; the site plan does not show any on-site retention.

#### **El Paso County Water Improvement District #1**

*(Comments will be addressed at the subdivision platting stage)*



Applicant needs to submit an application to EPCWID for proposed subdivision.

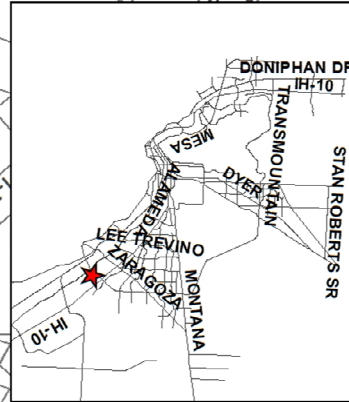
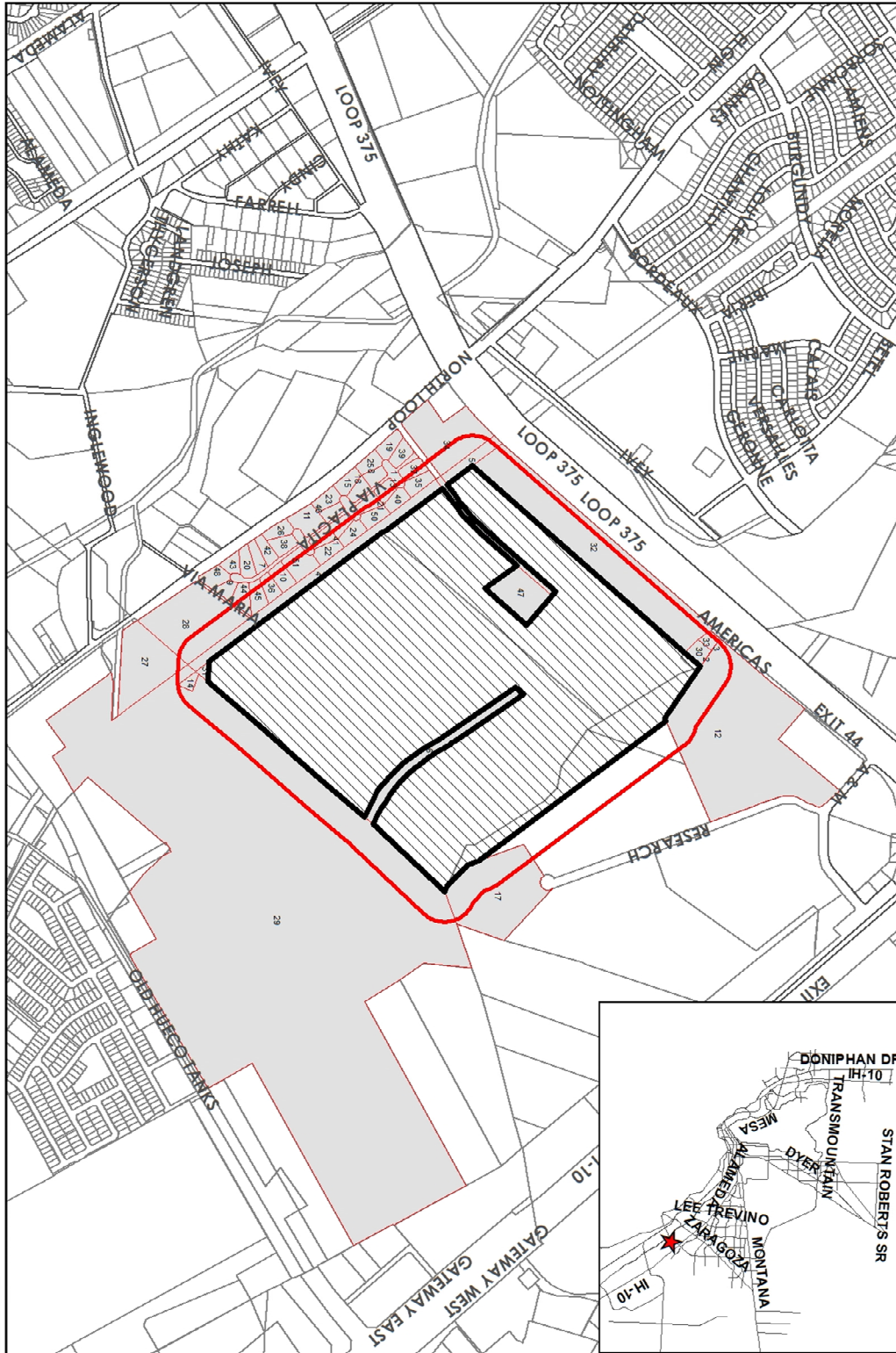
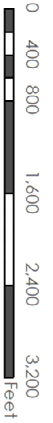
EPCWID owns a drain directly under proposed apartment complex that needs to be removed from developer's plans. EPCWID is the owner of Mesa Spur Drain and is not allowing any development on the surface, above, or below the EPCWID's property.

# ATTACHMENT 3

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Improvements of this map to scales greater than 1:5000 can indicate errors and may lead to inaccuracies. This map is not a warranty, representation, or agreement. Planning Division makes no claim to its accuracy or completeness.



 Subject Property  
 Parcels within 300 feet



PZR21-00005

# ATTACHMENT 4



# ATTACHMENT 5



May 6, 2021

Dear Mr. Philip Etiwe,

Creative Solutions in Healthcare has grown to include more than 100 long-term care facilities across the State of Texas. This includes St Teresa Nursing and Rehab, St Giles Nursing and Rehab, Pebble Creek Nursing and rehab, Oasis Nursing and Rehab, Mountain View Health and Rehab and Franklin Heights Nursing and Rehab facilities in the greater El Paso region. Since the year 2000 we have insured that every resident and every situation should be treated as unique and should be met with a creative solution.

I founded this company with a strong belief in the guiding principle of "do unto others as you would have them do unto you." Our staff and leadership are dedicated to putting people first, and we are always looking for ways to enhance the experience of our residents.

Since late last year the developer behind this proposed rezone and development project, Majestic Realty Co., has actively sought our input as their plan developed. They sought input on building layout, access roads, phasing and other elements of their project that could alleviate the initial concerns we have with any adjacent development.

They were compassionate in responding to concerns about noise, light, dust and access to the property. They were mindful to ensure that no truck courts face the facility, and that no light pollutions crosses our property line. They explained dust control measure that they utilize to keep construction dust to a minimum.

We appreciate that this project aims to be something that the community and City can be proud of and can be a beacon for economic development for the region.

One of the items that we most appreciate about this project is how it will enhance the safety of the lives of our facility by finally creating additional access points to and from our facility. Having two or more additional ingress egress points to our facility allows us to ensure that ambulances, employees, lives and others will have options in this regard. Safety is of paramount concern to our facility. We believe that this project helps solve this current concern.

4150 INTERNATIONAL PLAZA ☎ STE 600 ☎ FORT WORTH, TX 76109  
(817) 348-8969 OFFICE ☎ (817) 348-8934 FAX