

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

AGENDA DATE: June 7, 2022
PUBLIC HEARING DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
David Samaniego, (915) 212-1608

DISTRICT(S) AFFECTED: District 1

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 3A, Nellie D. Mundy Survey No. 240, an addition to the City of El Paso, El Paso County, Texas from R-3 (Residential) to A-4 (Apartment), and imposing a condition. 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: State Highway Spur 16 and Isela Rubalcava Ave.
Applicant: Westonlane, LLC, PZRZ22-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-3 (Residential) to A-4 (Apartment) to allow for a multifamily residential development. City Plan Commission recommended 7-0 to approve the proposed rezoning on March 24, 2022. As of May 31, 2022, the Planning Division has received three (3) emails of opposition, but no communication in support to the rezoning request. 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 E. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY NO. 240, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, EL PASO COUNTY PLAT RECORDS FROM R-3 (RESIDENTIAL) TO A-4 (APARTMENT), 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:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *a portion of Tract 3A, Nellie D. Mundy Survey No. 240, located in 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-3 (Residential)** to **A-4 (Apartment)**, as defined in Section 20.06.020, 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 change in intensity 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 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. 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."*

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 _____, 2022.

THE CITY OF EL PASO:

ATTEST:

Oscar Leoser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard

Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00002

Exhibit "A"



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being a portion of Tract 3A,
Nellie D. Mundy Survey No. 240,
El Paso County, Texas
December 13, 2021;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 3A, Nellie D. Mundy Survey No. 240, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference found nail with shiner at the intersection of Isela Rubalcava Street centerline with the east right of way of Spur 16, and having State Plain Coordinates (Northing= 10,708,752.01 feet and Easting= 354,692.58 feet), thence, South 32°36'05" West a distance of 40.08 feet to a found chiseled "X" at the east right of way of Spur 16, the south right of way of Isela Rubalcava Street as dedicated by instrument No. 20110035784 with the El Paso County Real Property Records and the **"TRUE POINT OF BEGINNING"**.

Thence along south right of way of Isela Rubalcava Street, **South 86°48'26" East** a distance of **461.43 feet** to a point at the east boundary line of Lot 67, Block 15, La Puesta Del Sol Unit Four, recorded by Instrument No. 20190091736 with the El Paso County Real Property Records, from which a found nail on rock wall bears North 02°04'48" East a distance of 1.32 feet;

Thence leaving said right of way, **South 03°20'13" West** a distance of **754.81 feet** to a set nail on rock wall at the northeast corner of Lot 50, Block 15, La Puesta Del Sol Unit Four, from which a found nail on rock wall at the northwest corner of Lot 51 bears South 03°13'07" West a distance of 1.00 feet;

Thence along the north boundary of Puesta Del Sol Unit Four, **North 86°46'53" West** a distance of **664.30 feet** to a found 1/2" rebar with cap "B&A" at the northwest corner of Lot 40, Block 15, La Puesta Del Sol Unit Four and the east line of Lot 19, El Canutillo Acreage Lots, recorded in Vol. 9, Pg. 44, El Paso County Plat Records;

Thence along said east line, **North 03°20'13" East** a distance of **392.98 feet** to a set 1/2" rebar with cap "6085" at the east right of way of Spur 16 as dedicated by Instrument No. 20120020347 with the El Paso County Real Property Records;

Thence along said right of way, **North 32°36'05" East** a distance of **415.01 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **464,646 square feet or 10.6668 acres** of land more or less.

Note: All bearings and coordinates are reference to the Texas State Coordinate System, Central Zone, NAD 1983 Datum, as derived using GPS methods via RTK network establish by Western Data, El Paso Island. all distances expressed in U.S. survey feet scaled to surface.

Jesus D. Ibarra, RPLS No.6085
December 16, 2021



ALTA/NSPS LAND TITLE SURVEY

BEING A PORTION OF TRACT 3A, NELLIE D MUNDY SURVEY 240, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, EL PASO COUNTY PLAT RECORDS

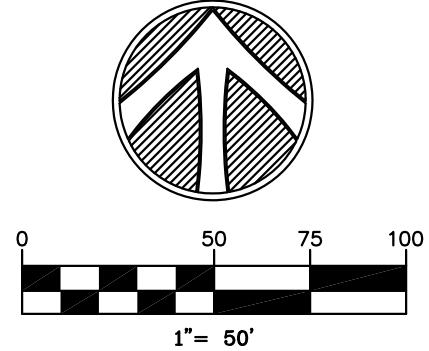
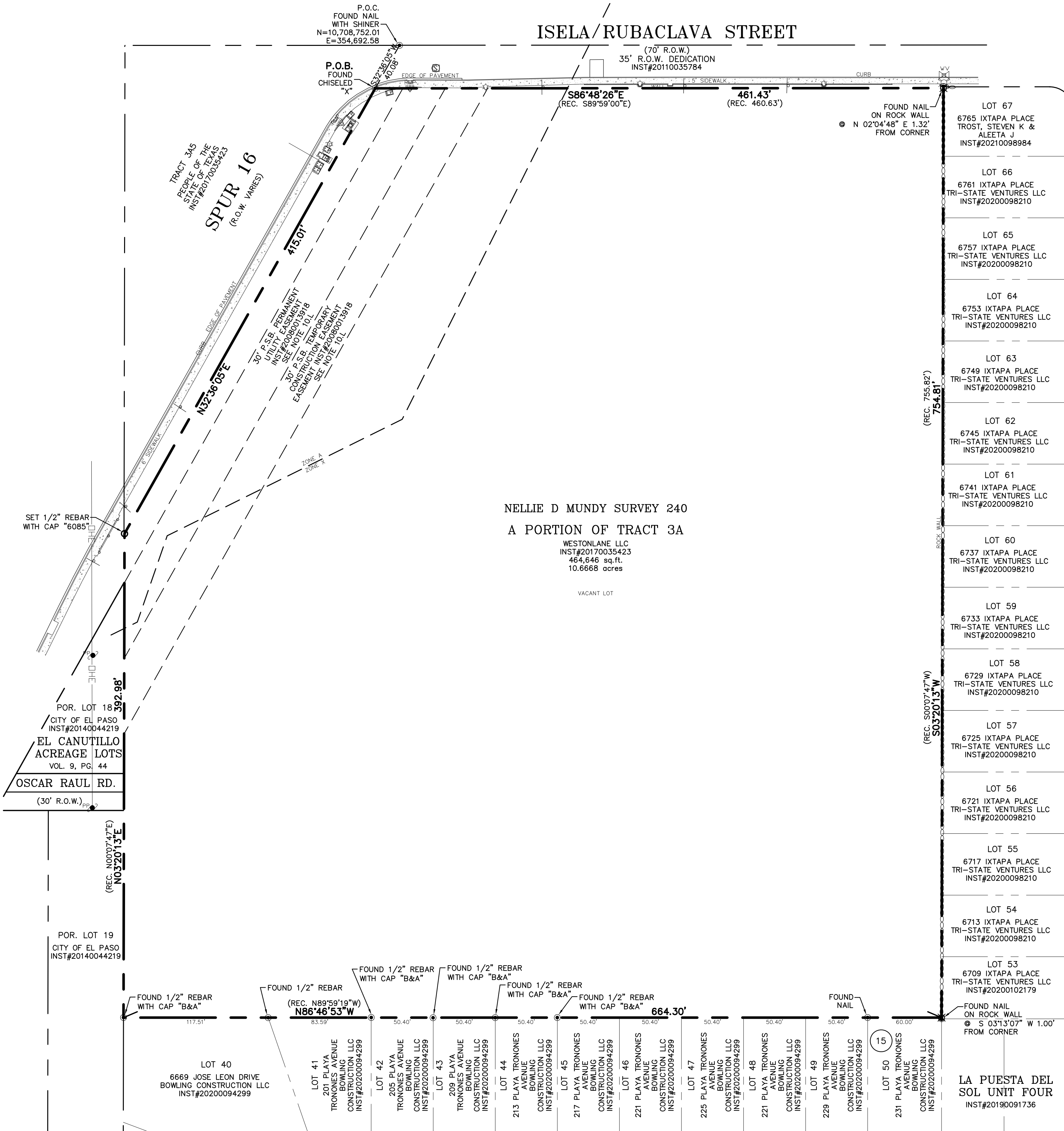
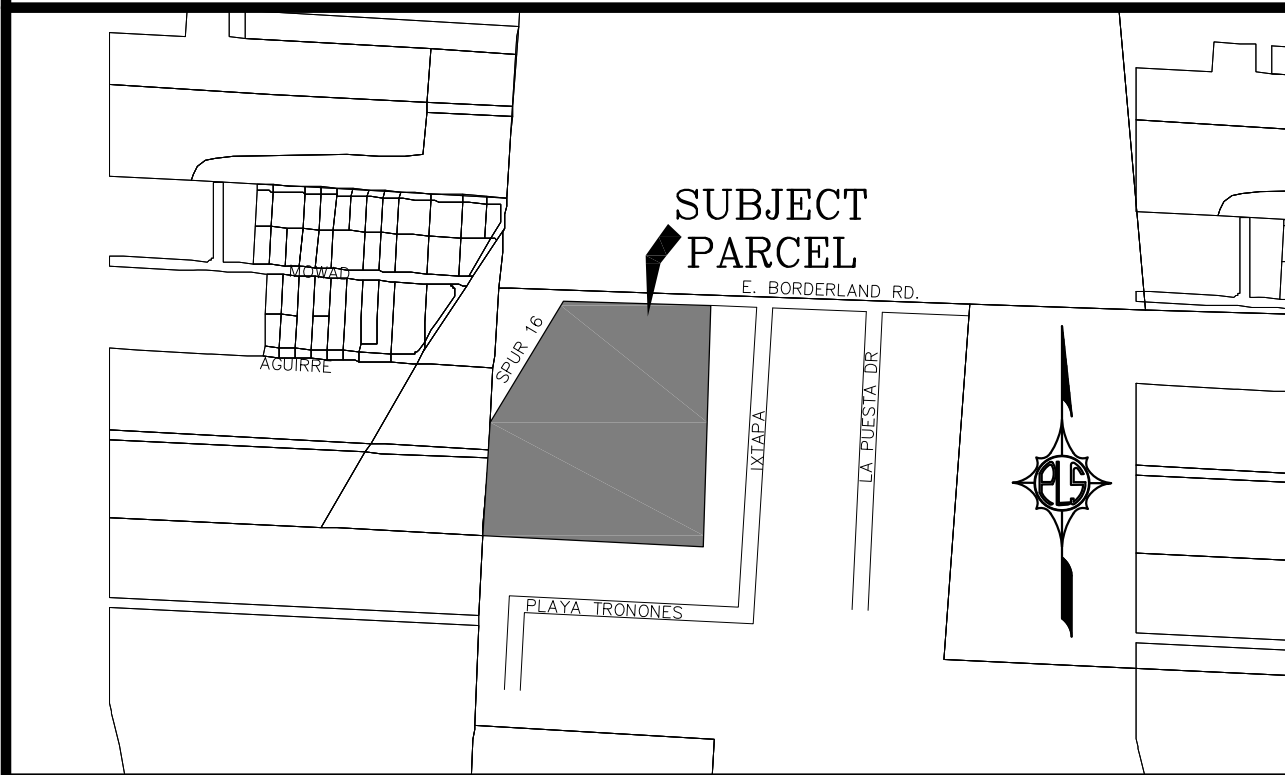
TOTAL CONTAINING: 10.6668 ACRES

DECEMBER 15, 2021

NOTES:

1. BEARING BASIS: U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL 4203, NAD 1983 DATUM, AS DERIVED USING GPS METHODS VIA RTK NETWORK ESTABLISH BY WESTERN DATA, EL PASO ISLAND. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET SCALED TO SURFACE. COMBINED SCALE FACTOR: 0.99982726, CONVERGENCE ANGLE: -31°3'28".
2. ROTATION OF 3°10'34" EAST FROM RECORD FOR PARCEL DESCRIBED BY INSTRUMENT NO. 20170035423, EL PASO COUNTY, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, AND LOCATED BY FOUND CONTROL MONUMENTS SHOWN HEREIN.
3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 4802120125B, DATED 09/04/1991, THIS PROPERTY IS IN FLOOD HAZARD ZONE A "NO BASE FLOOD ELEVATIONS DETERMINED" AND ZONE X "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN".
4. UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATED BY ON SITE EVIDENCE AND RECORD INFORMATION.
5. CITY ZONING IS R-3, RESIDENTIAL DISTRICT. (AS ESTABLISHED IN CHAPTER 20.08)
6. REFERENCE FIRST AMERICAN TITLE GUARANTY COMPANY FOR TITLE INSURANCE OF NO. 211793-COM, EFFECTIVE DATE OF OCTOBER 27, 2021. SCHEDULE B EXCEPTIONS FROM COVERAGE ARE AS FOLLOWS:
 1. RESTRICTIVE COVENANTS RECORDED IN/UNDER VOLUME 1742, PAGE 959 AND AMENDED UNDER CLERK'S FILE NO. 20060097145; AND UNDER CLERK'S FILE NO. 20070072035, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS BUT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN. (APPLIES; NOT A SURVEY MATTER)
 - 10.C. ANY AND ALL CLAIMS OF RIGHT, TITLE AND INTEREST TO THE LAND, INCLUDING BUT NOT LIMITED TO ANY RIGHT OF POSSESSION OR CLAIM FOR DAMAGES RELATING TO THE LAND WHICH HAS BEEN ASSERTED OR MAY BE ASSERTED, OF RECORD OR NOT, BY OR ON BEHALF OF ANY INDIAN OR INDIAN TRIBE, INCLUDING BUT NOT LIMITED TO THE TIQUA INDIAN TRIBE OF EL PASO, TEXAS, ALSO KNOWN AS PUEBLO DE LA YSLETA DEL SUR, ALSO KNOWN AS THE YSLETA DEL SUR PUEBLO INDIAN TRIBE, ALSO KNOWN AS THE TIQUA INDIAN COMMUNITY, INCLUDING BY NOT LIMITED TO CLAIMS APPEARING IN AFFIDAVIT OF JULIAN GRANILLO, FILED FOR RECORD APRIL 16, 1993, RECORDED IN VOLUME 2553, PAGE 1958, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS.
- COMPANY INSURES THE INSURED AGAINST LOSS, IF ANY, SUSTAINED BY THE INSURED UNDER THE TERMS OF THIS POLICY BY REASON OF THE ENFORCEMENT OF SAID RIGHTS AS TO THE LAND. COMPANY AGREES TO PROVIDE DEFENSE TO THE INSURED IN ACCORDANCE WITH THE TERMS OF THIS POLICY IF SUIT IS BROUGHT AGAINST THE INSURED TO ENFORCE SAID RIGHTS AS TO THE LAND. (APPLIES; NOT A SURVEY MATTER)
- 10.I. RESERVATION OF ALL MINERALS TO THE STATE OF TEXAS IN VOLUME 727, PAGE 353, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; NOT A SURVEY MATTER)
- 10.J. TERMS, RESTRICTIONS AND OTHER CONDITIONS SET OUT IN CONTRACT FILED IN VOLUME 1742, PAGE 959, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS AND AMENDED UNDER CLERK'S FILE NO. 20060097145, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; NOT A SURVEY MATTER)
- 10.K. TERMS AND CONDITIONS SET OUT IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND PROPERTY DEVELOPMENT AGREEMENT DATED JULY 23, 2007 AND RECORDED UNDER CLERK'S FILE NO. 20070072035, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; NOT A SURVEY MATTER)
- 10.I. EASEMENT TO THE CITY OF EL PASO FOR THE USE AND BENEFIT OF ITS PUBLIC SERVICE BOARD (EL PASO WATER UTILITIES) RECORDED UNDER CLERK'S FILE NO. 20080013918, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; PLOTTED HEREIN)
- 10.M. EASEMENT TO EL PASO ELECTRIC COMPANY IN OLD BOOK VOLUME 533, PAGE 323, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; BLANKET EASEMENT)

LOCATION MAP SCALE: 1" = 600'



OWNER INFORMATION:
GEO ID: X24099900002320
WESTONLANE, LLC
2611 N KANSAS STREET
EL PASO TX 79902

SYMBOL LEGEND	
	FOUND CONTROL POINT
	CALCULATED POINT (NOT SET)
	SANITARY SEWER MANHOLE
	WATER VALVE
	FIRE HYDRANT
	POWER POLE
	LIGHT POLE
	ELECTRIC PULL BOX
	TRAFFIC SIGN
	TRAFFIC SIGNAL BOX
	TRAFFIC SIGNAL

POINT	NORTHING	EASTING	DESCRIPTION
21011	10,708,752.01	354,692.58	FOUND NAIL WITH SHINER AT THE CENTERLINE INTERSECTION OF ISELA RUBACLAVA STREET WITH THE EAST RIGHT OF WAY OF SPUR 16

METES AND BOUNDS DESCRIPTION

DESCRIPTION OF A PARCEL OF LAND BEING A PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY NO. 240, EL PASO COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING FOR REFERENCE FOUND NAIL WITH SHINER AT THE INTERSECTION OF ISELA RUBACLAVA STREET CENTERLINE WITH THE EAST RIGHT OF WAY OF SPUR 16, AND HAVING STATE PLAIN COORDINATES (NORTHING= 10,708,752.01 FEET AND EASTING= 354,692.58 FEET), THENCE, SOUTH 32°36'05" WEST A DISTANCE OF 40.08 FEET TO A FOUND CHISELED "X" AT THE EAST RIGHT OF WAY OF SPUR 16, THE SOUTH RIGHT OF WAY OF ISELA RUBACLAVA STREET AS DEDICATED BY INSTRUMENT NO. 20110035784 WITH THE EL PASO COUNTY REAL PROPERTY RECORDS AND THE TRUE POINT OF BEGINNING:

THENCE ALONG SOUTH RIGHT OF WAY OF ISELA RUBACLAVA STREET, SOUTH 86°48'28" EAST A DISTANCE OF 461.43 FEET TO A POINT AT THE EAST BOUNDARY LINE OF LOT 67, BLOCK 15, LA PUERTA DEL SOL UNIT FOUR, RECORDED BY INSTRUMENT NO. 20190091736 WITH THE EL PASO COUNTY REAL PROPERTY RECORDS, FROM WHICH A FOUND NAIL ON ROCK WALL BEARS NORTH 02°04'48" EAST A DISTANCE OF 1.32 FEET;

THENCE LEAVING SAID RIGHT OF WAY, SOUTH 03°20'13" WEST A DISTANCE OF 754.81 FEET TO A SET NAIL ON ROCK WALL AT THE NORTHEAST CORNER OF LOT 50, BLOCK 15, LA PUERTA DEL SOL UNIT FOUR, FROM WHICH A FOUND NAIL ON ROCK WALL AT THE NORTHWEST CORNER OF LOT 51 BEARS SOUTH 03°13'07" WEST A DISTANCE OF 1.00 FEET;

THENCE ALONG THE NORTH BOUNDARY OF PUERTA DEL SOL UNIT FOUR, NORTH 86°46'53" WEST A DISTANCE OF 664.30 FEET TO A FOUND 1/2" REBAR WITH CAP "B&A" AT THE NORTHWEST CORNER OF LOT 40, BLOCK 15, LA PUERTA DEL SOL UNIT FOUR AND THE EAST LINE OF LOT 19, EL CANUTILLO ACREAGE LOTS, RECORDED IN VOL. 9, PG. 44, EL PASO COUNTY PLAT RECORDS;

THENCE ALONG SAID EAST LINE, NORTH 03°20'13" EAST A DISTANCE OF 392.98 FEET TO A SET 1/2" REBAR WITH CAP "6085" AT THE EAST RIGHT OF WAY OF SPUR 16 AS DEDICATED BY INSTRUMENT NO. 20120020347 WITH THE EL PASO COUNTY REAL PROPERTY RECORDS;

THENCE ALONG SAID RIGHT OF WAY, NORTH 32°36'05" EAST A DISTANCE OF 415.01 FEET TO TRUE POINT OF BEGINNING AND CONTAINING IN ALL 464,646 SQUARE FEET OR 10.6668 ACRES OF LAND MORE OR LESS.

NOTE: ALL BEARINGS AND COORDINATES ARE REFERENCE TO THE TEXAS STATE COORDINATE SYSTEM, CENTRAL ZONE, NAD 1983 DATUM, AS DERIVED USING GPS METHODS VIA RTK NETWORK ESTABLISH BY WESTERN DATA, EL PASO ISLAND. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET SCALED TO SURFACE.

SURVEYOR CERTIFICATION

TO: FIRST AMERICAN TITLE GUARANTY COMPANY, FURMAN MALOOLY DEVELOPMENT, LLC OR ASSIGNS, AND WESTONLANE, LLC, A TEXAS LIMITED LIABILITY COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2020 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, THE FIELD WORK WAS COMPLETED ON NOVEMBER 30, 2021.

DATE OF PLAT OR MAP: DECEMBER 15, 2021

JESUS D. IBARRA, TX RPLS #6085, FIRM#0194184



State Highway Spur 16 and Isela Rubalcava Avenue



City Plan Commission — March 24, 2022- **REVISED**

CASE NUMBER: PZRZ22-00002
CASE MANAGER: David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER: Westonlane, LLC
REPRESENTATIVE: Gallinar Planning & Development, LLC
LOCATION: Southeast corner of State Highway Spur 16 and Isela Rubalcava Ave. (District 1)
PROPERTY AREA: 10.7 acres
REQUEST: Rezone from R-3 (Residential) to A-4 (Apartment)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of March 17, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) to A-4 (Apartment) to allow for a multifamily residential development.

SUMMARY OF STAFF RECOMMENDATION: Staff recommendation is **APPROVAL** of the rezoning request subject to the following condition:

1. "That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. 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."

The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential districts in the immediate area. The proposed rezoning is consistent with Plan El Paso, the City's adopted Comprehensive Plan.

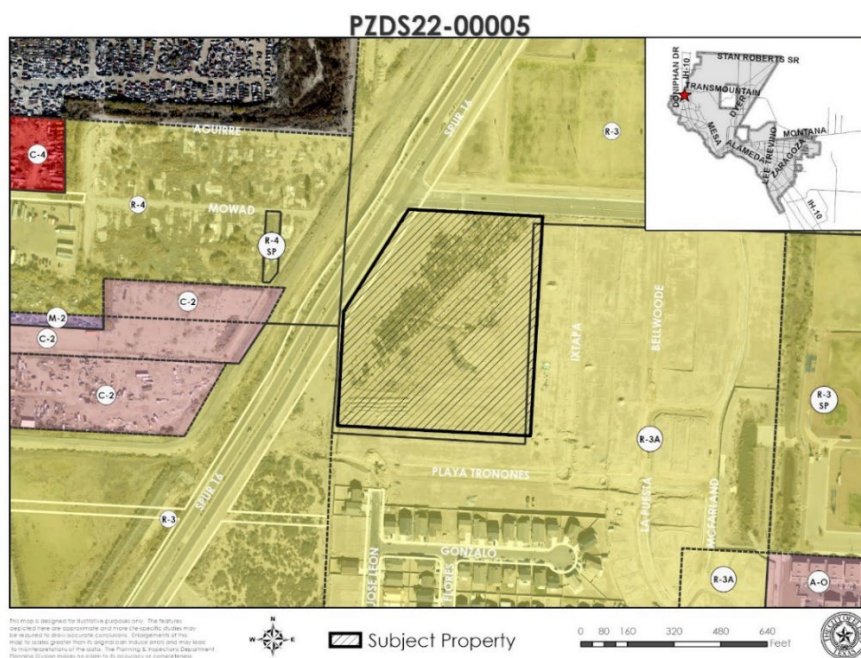


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant proposes to rezone approximately 10.72 acres of land from R-3 (Residential) to A-4 (Apartment) to allow for a multifamily residential development. The property is located at the southeastern intersection of State Highway Spur 16 and Isela Rubalcava Avenue within the Northwest Planning area. The conceptual site plan for the subject property shows a multifamily residential development containing 276 apartment units and a pond site abutting the Spur 16 freeway.

PREVIOUS CASE HISTORY: N/A

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed zoning district and multifamily residential development meet the intent of the G-4, Suburban (Walkable) land use designation of *Plan El Paso* within the Northwest Planning area. The proposed development proposes multifamily housing options to an area containing predominately single-family residential development, creating a mix of housing options within the area. The immediate area also includes Canutillo High School and El Paso Community College - both campuses which are located less than a half mile from the subject property. Canutillo High School is 0.44 miles away. The nearest park is the Westside Sports Complex – located across the street (0.01 miles) from the subject property along Isela Rubalcava Avenue. Properties to the north are zoned R-3 (Residential) and the Westside Sports Complex City Park; to the east and south are zoned R-3A (Residential) and single-family residential development; and to the west is zoned R-3 (Residential) and the State Highway Spur 16.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes, the G-4, Suburban (Walkable) land use designation is compatible with the proposed A-4 (Apartment) zone district and the abutting residential districts. The A-4 designation will permit increased residential density in an area containing mostly single-family residential development. In addition, the immediate area contains Canutillo High School and the El Paso Community College– both campuses are located less than a half mile from the proposed development. The proposed zone district and development meets the intent of the G-4 designation in supplementing the limited housing options in the immediate area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>A-4 (Apartment) District:</u> The purpose of these districts is to promote and preserve a diversity of residential dwelling types at the highest densities within the city and to provide for the integration of compatible business and professional office uses to complement the areas. It is intended that the district regulations allow for concentrations of population through the use of multi-story facilities. The regulations of the districts will permit site diversification</p>	<p>Yes, the proposed zoning district is compatible with the surrounding residential zone districts, providing different housing options. The properties to the east and south are zoned R-3A (Residential) and feature single-family residential development. As the proposed multifamily development abuts single-family housing, staff is recommending a 10-foot landscaped buffer along the property lines abutting the residential zone districts.</p>

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
for high-density residential development in which adequate public facilities are available for present and future needs.	
Preferred Development Locations: 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.	Yes, the development is accessed from State Highway Spur 16, which is classified as a freeway on the City of El Paso's Major Thoroughfare Plan (MTP).
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The proposed development is not located within any historic districts or other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects anticipated from the proposed rezoning. The proposed multifamily development will bring a mix of housing options to the abutting single-family residential development. In addition, staff is recommending a 10-foot landscaped buffer along the property lines abutting residential zone districts.
Natural Environment: Anticipated effects on the natural environment.	The subject property does not involve greenfield/environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	The area is stable and there has not been any rezonings in the immediate area within the last ten years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The existing R-3 (Residential) zone designation does not permit multifamily development. The proposed rezoning to A-4 (Apartment) allows for increased density and new housing stock for an area served by a high school and community college campus. The immediate area contains mostly single-family residential development.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from State Highway Spur 16, which is classified as a freeway on the City of El Paso's Major Thoroughfare Plan (MTP), and Isela Rubalcava Avenue, a local street. Both streets are appropriate to serve the proposed residential development. In addition, the subject property is

unplatted and will need to be subdivided to ensure that the property, abutting rights-of-way, and required easements are compliant with the City's Subdivision standards.

PUBLIC COMMENT: The subject property lies within the Upper Valley Neighborhood Association. Notices were mailed to property owners within 300 feet of the subject property on March 9, 2022. As of March 17, 2022, Planning has not received any communications in support or opposition to the rezoning request.

RELATED APPLICATIONS: N/A

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 (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

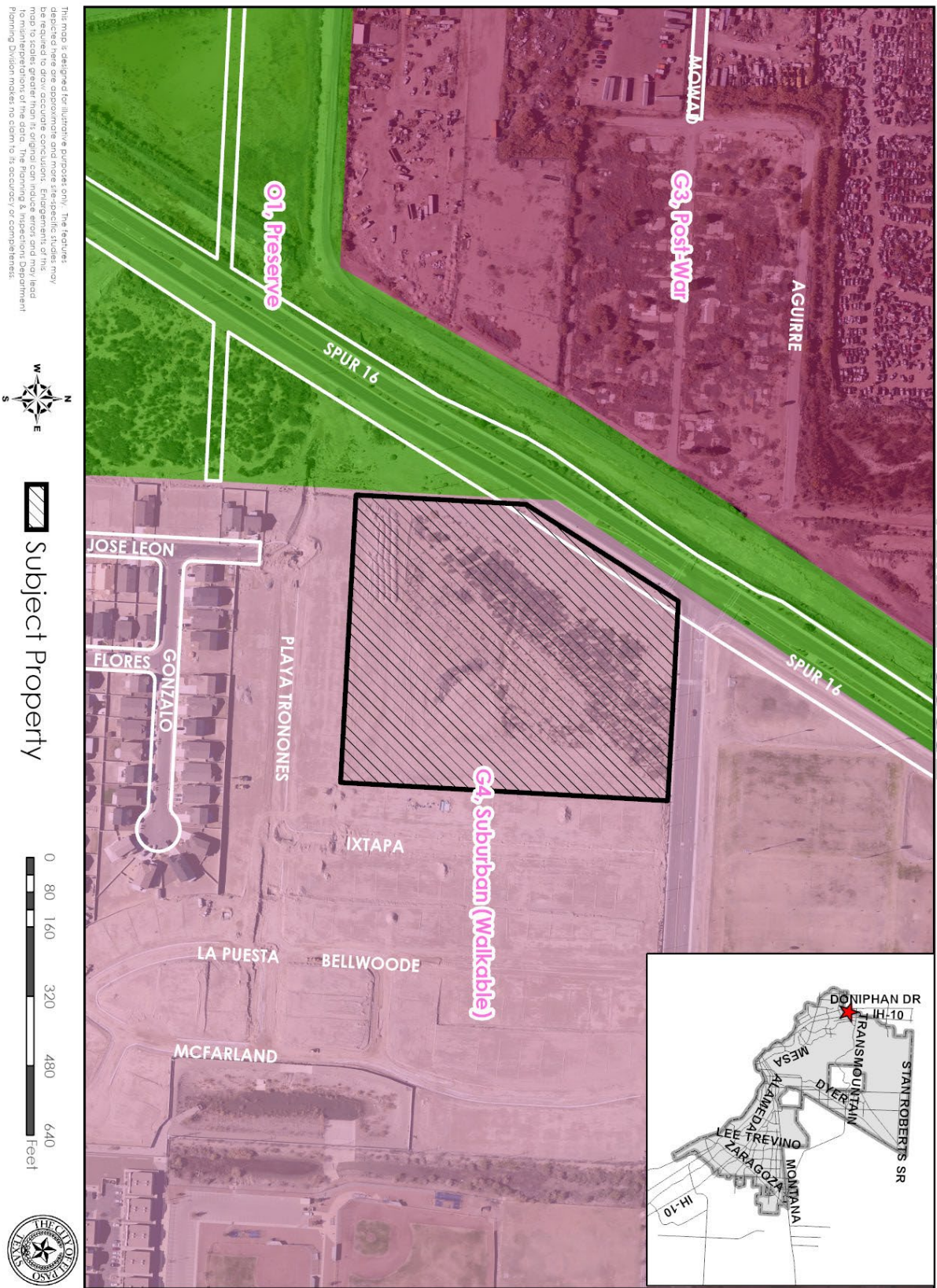
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. (Staff Recommendation)
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:

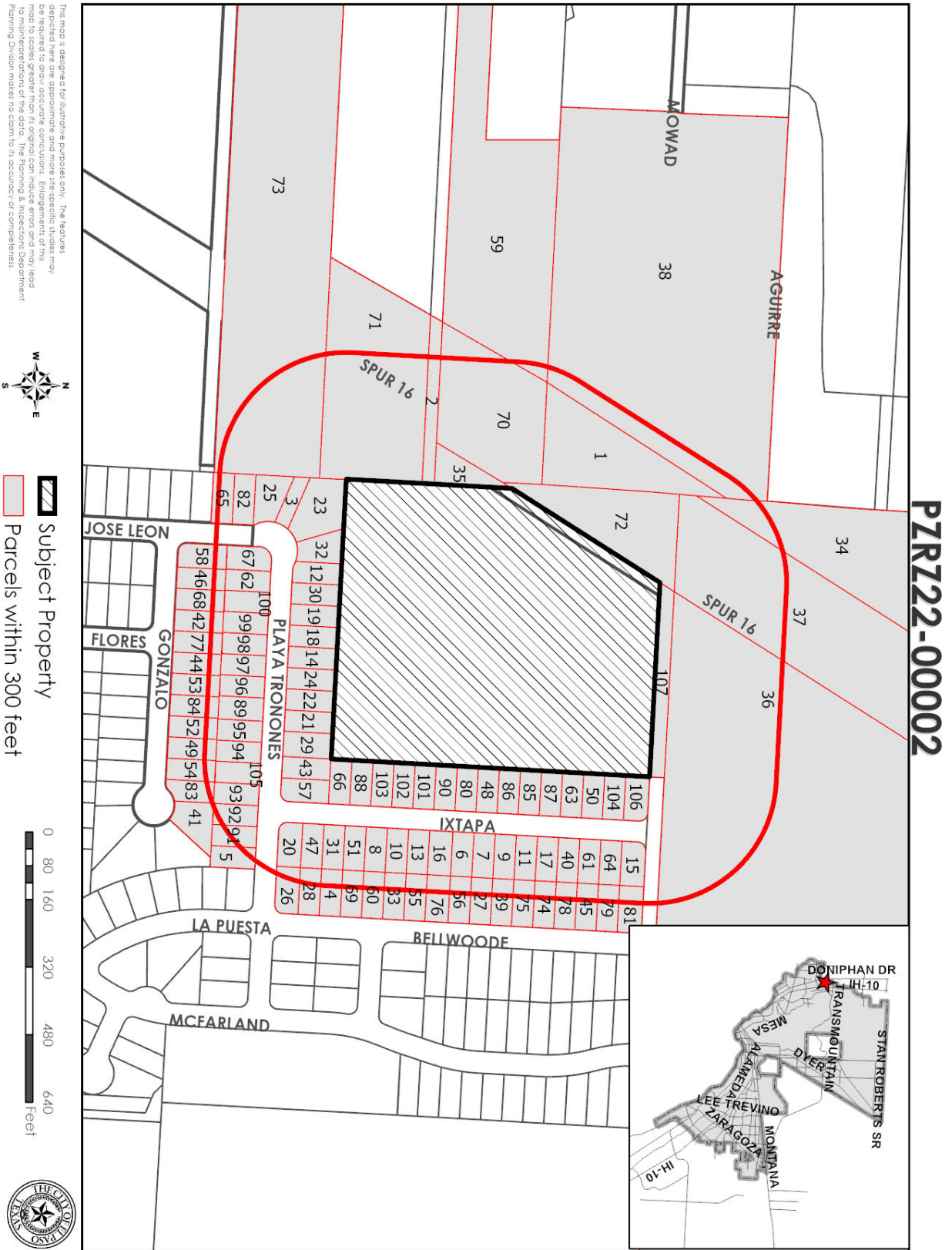
1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Conceptual Plan
4. Department Comments
5. Letters and Emails of Opposition

ATTACHMENT 1

PZR22-00002



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department – Planning

1. Provide written, sealed metes and bounds, accompanied by survey - dated within the past year.
3. Coordinate driveway access from Spur 16 with TxDOT.
4. Staff will recommend a 10' landscape buffer along all property boundaries abutting single-family development.
5. For informational purposes, please note the following standards for multifamily uses as listed within the A-4 (Apartment) zone district as per Appendix B – Table of Density and Dimensional Standards:
 - a) Minimum floor area of 300 sf per dwelling unit.
 - b) Perimeter designed to ensure compatibility with adjacent development thru the use of setbacks, screening walls or landscaping; minimum setback of 10 feet between any structure and adjoining ROW

Planning and Inspections Department – Plan Review

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Landscaping Division

Recommend approval – no objections to the proposed rezoning.

Planning and Inspections Department – Land Development

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 as per Chapter 19.19.010, Sections A-2 & A-5. On-site stormwater ponding is required for all redevelopment where there is an increase in impermeable surfaces.

Note: Onsite water ponding will be reviewed during the platting stage.

Streets and Maintenance Department

The request to defer the Traffic Impact Analysis (TIA) to the platting phase is approved for Zoning Application PZRZ22-00002.

Fire Department

Recommend approval – no adverse comments.

Sun Metro

Sun Metro has no objections.

El Paso Water

We have reviewed the subdivision and provide the following comments:

The property is located within the City of El Paso Westside Impact Service Fee Area. Impact fees will be assessed at the time of plat and collected by EPWATER prior to the

City of El Paso issuing a Building Permit in accordance with the City of El Paso's Ordinance # 017113 and the EPWATER-PSB Rules and Regulation No. 16.

Water:

There is an existing 8-inch diameter water main extending along Isela Rubalcava Ave., located approximately 14-feet south of the north right-of-way line. This main is available for service and extension.

Previous water pressure from fire hydrant #10127, located on the northeast corner of Isela Rubalcava Ave and the entrance to the Westside Sports Complex, has yielded a static pressure of 86 (psi), a residual pressure of 66 (psi), and a discharge of 1,034 (gpm). The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer, and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Isela Rubalcava Ave., located approximately 15-feet north of the south right-of-way line. This main is available for service and extension.

There is an existing 36-inch diameter sanitary sewer main extending along a 30-foot easement on the northwestern portion of the property. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

General:

Water mains are to be extended to create a looped system. EPWater-PSB requests that site be graded so that sanitary sewer may be provided by gravity. All water and sanitary sewer main extension costs are the responsibility of the Owner/Developer.

Spur 16 is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Spur 16 right-of-way requires written permission from TxDOT.

The subject subdivision will be located within an Intermediate Pressure Zone. Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-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 EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU

maintenance vehicles. EPWU-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 service 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 – PSB 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.

Stormwater:

EP Water-SW reviewed the property described above and provide the following comments:

- 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.
- The developer shall be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

Texas Department of Transportation

Have the requestor submit a formal driveway request to ELP_Access@txdot.gov and we will provide them an application packet and permit form. Additionally, please see our comment below

1. missing distance between proposed driveway and existing driveways/side streets

911

The 911 District has no comments/concerns regarding this rezoning.

El Paso County Water Improvement District

The attached item is not within the boundaries of EPCWID1.

Police Department

No comments received.

ATTACHMENT 5

RESPONSE TO CITY PLAN COMMISSION PUBLIC NOTICE (PZRZ22-00002)

Dear City Council Planning Commission,

Date: 22 Mar 2022

This letter is in response to the request to change the zoning from R-3 (Residential) to A-4 (Apartments) to allow for a multifamily development.

As a resident of El Paso with address 6661 Jose Leon Dr, El Paso, Texas 79932, property location (82) on the planning and inspection sheet, I **disapprove** with the request to re-zone the property located at Spur 16 and Rubacalva Ave.

The reasoning for my disapproval for re-zoning are below:

- Homes in the area located within the radius of (PZRZ22-0002) zoning **have not been occupied**, and this decision should not be made until all individuals have been contacted.
- A statistical fact is a 7 times higher problem interaction regarding apartment dwellers, which can contribute to a direct impact to maintain Law and Order.
- Personal privacy for existing homeowners will be directly impacted.
- Valuation for homes located within the re-zoning consideration will be impacted negatively by this re-zoning.

Additionally, I cannot attend the City Planning Commission decision meeting on March 24, 2022 at 130pm, and request that this letter be read on my behalf by my District City Council Member Peter Svarzbein to the board.

Cordially,

Antonio Ruiz, M.S.
SGM, USA
Instructor, Command Leadership
Sergeants Major Academy
Fort Bliss, TX 79918
Office: 1-915-744-1754
Cell: 1-785-307-4647
Email: Antonio.r.ruiz.mil@army.mil

From: [juan ontiveros](#)
To: [Samaniego, David C.](#)
Subject: Response to Case PZRZ22-00002 - Re-zoning from R-3 to A-4
Date: Tuesday, March 22, 2022 6:24:08 PM

You don't often get email from jua_ontiv@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to SpamReport@elpasotexas.gov.

Dear City Council Planning Commission,

This email is in response to the request to change the zoning from R-3 (Residential) to A-4 (Apartments) to allow for a multifamily development.

As a resident of El Paso with address 6657 Jose Leon Dr, El Paso, Texas 79932, property location (65) on the planning and inspection sheet, I DISAPPROVE with the request to re-zone the property located at Spur 16 and Rubacalva Ave.

- About less than 30% of homes in the area, located within the radius of (PZRZ22-0002) zoning, **have not been occupied**, and this decision should not be made until all individuals have been contacted.
- Valuation of my home will be negatively impacted. I would of never considered purchasing a home 3 years ago, knowing a multi unit complex would be built feet away from my property.
- Traffic will significantly increase. As it is, there is already an issue with the soccer complex not having enough parking spaces that people park on Isela Rubalcava Rd and the surrounding neighborhoods.
- Crime rate will increase as a high population of residents will be living on a small radius and the privacy of home owners located right behind this proposed apartment complex will be affected.

Unfortunately, I would not be able to attend the scheduled meeting on 3/24/22 @ 1:30 as I work from 8 A.M to 5 P.M, Monday through Friday. I am a very unhappy resident and find this very suspicious, due to the timing of this proposed re-zoning (where more than half of these homes that will be impacted are currently not occupied and will not be able to have a say on this proposal) and the time of day this hearing will occur (when majority of people are working and cannot take the time to voice their concerns).

Cordially,

Juan Ontiveros
Cell: 915-229-9569

From: [Aleeta Trost](#)
To: [Samaniego, David C.](#)
Subject: Objection to the Zoning Change at Spur16/Isela/ Rubalcava Ave.
Date: Wednesday, March 23, 2022 1:38:30 PM

You don't often get email from ajtrost88@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to SpamReport@elpasotexas.gov.

To Whom It May Concern:

My wife and I are current home owners on the property (6765 Ixtapa Place)behind the area you are talking about re-zoning. We were the first home built on this block.

Of course we say NO very loudly, when we bought this lot and had our home built by Carefree on September 1, 2020.

We were told by Carefree at that time, that all the property behind was city owned and was used as a waterway or something to that effect and NOTHING would be built behind us!!!

So. of course, that was ONE of the MAIN reasons we bought our home to only have One Neighbor!!! WE definitely DO NOT WANT APARTMENTS BEHIND US OR OTHER HOMES!

Please consider all of us who just bought homes here and what we want and need. Not the almighty dollar! We do not want back door neighbors!

Thank you for your thoughtful decisions on how this will affect our way of life in this area,

Steve & Aleeta Trost
6765 Ixtapa Place

Sent from [Mail](#) for Windows



State Highway Spur 16 and Isela Rubalcava Rezoning

PZRZ22-00002

Strategic Goal 3.

Promote the Visual Image of
El Paso



PZRZ22-00002



Aerial



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. Enlargements of this map to scales greater than its original can cause errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

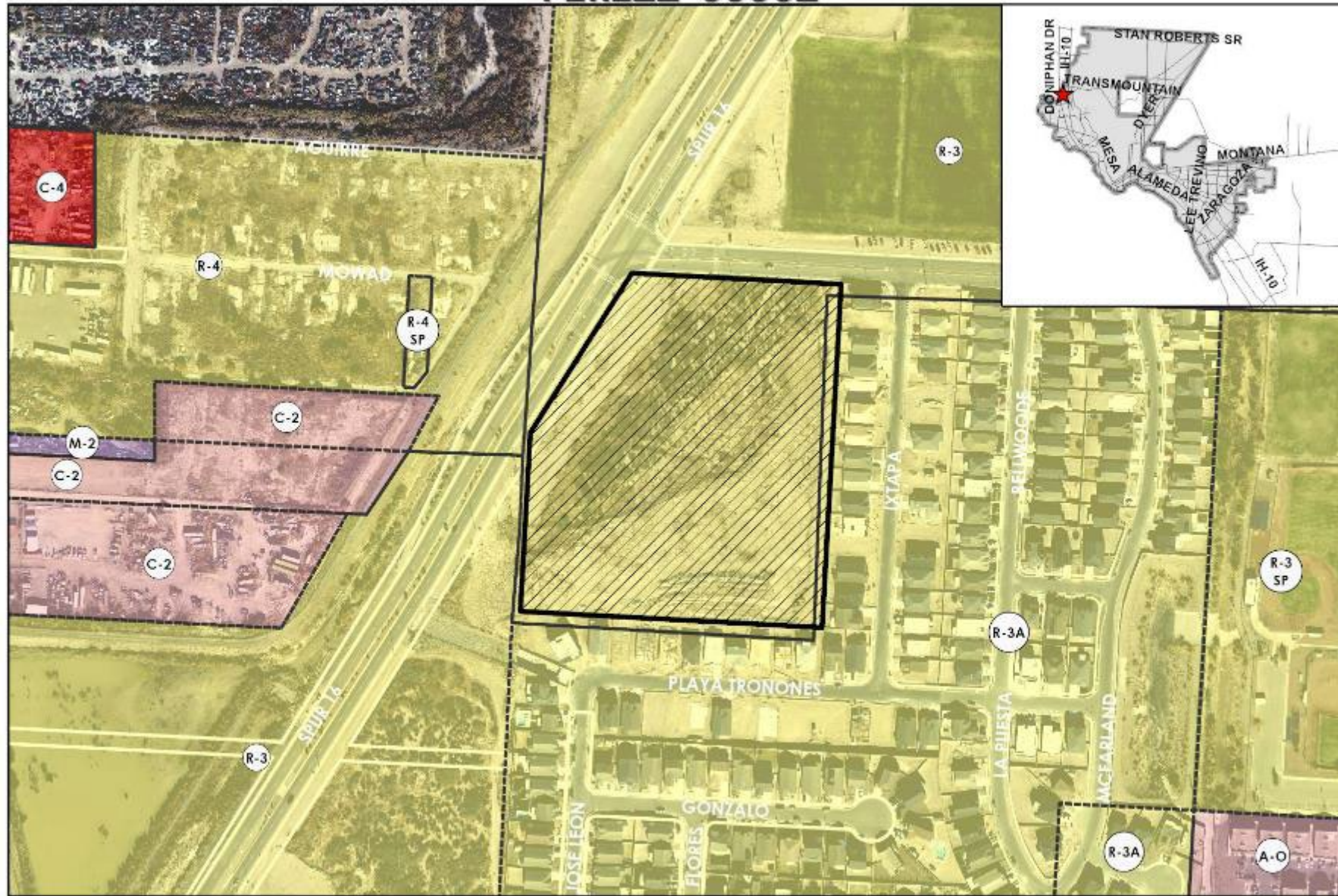


Subject Property

0 80 160 320 480 640 Feet



Existing Zoning



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. Enlargements of this map to scales greater than its original can introduce errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

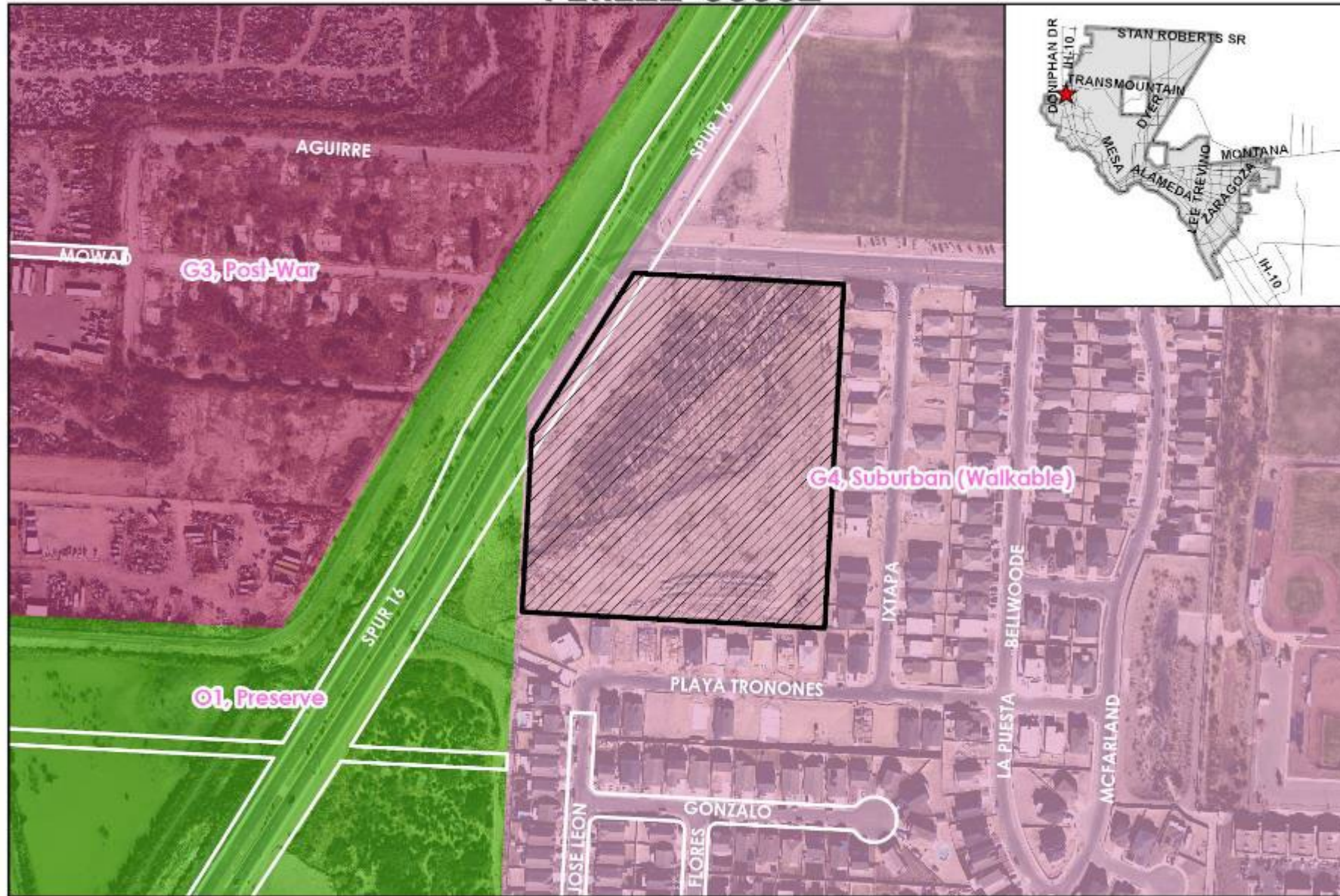


 Subject Property

0 80 160 320 480 640 Feet



PZRZ22-00002



Future Land Use

The 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. Enlargements of this map to scales greater than its original can cause errors and may lead to misinterpretations of the data. The Planning & Inspections Department, Planning Division makes no claim to its accuracy or completeness.



 Subject Property

0 80 160 320 480 640 Feet



Conceptual Plan



SPUR 16

FURMAN MALOOLY DEVELOPMENT

2021519

1-10-22

UNIT TABULATION - 3 STORY BREEZEWAY

UNIT NAME	UNIT TYPE	NET AREA(SF)	UNIT COUNT	PARKING	PERCENTAGE	TOTAL AREA	% BREAKDOWN
A1	1br/1ba	580	40	60	14%	23,200	48%
A2	1br/1ba	681	8	12	3%	5,448	
A3	1br/1ba	733	84	126	30%	61,572	
B1	2br/2ba	1,123	8	16	3%	8,984	45%
B2	2br/2ba	1,088	12	24	4%	13,056	
B4	2br/2ba	1,096	112	224	41%	1,22,752	
C1	3br/2ba	1,373	12	30	4%	16,476	4%
TOTALS			276	492	100%	2,51,488	

UNIT AVERAGE NET SF :

911

* NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FACE OF ALL EXTERIOR FRAME WALLS THAT ENCLOSE A/C SPACE. IT DOES NOT INCLUDE PATIO, BALCONIES, PATIO/BALCONY STORAGE.

PROJECT DATA

UNIT AVERAGE NET SF :

911 S.F.

ACREAGE:

10.6 GROSS ACRES

DENSITY:

26 UNITS/ACRE

PARKING:

492 SPACES

REQUIRED

499 SPACES

PROVIDED

48 GARAGE SPACES

GARAGE PARKING

451 SURFACE SPACES

SURFACE PARKING

1.81 SPACES/UNIT

Subject Property



Surrounding Development



W



N



S



Public Input

- Notices were mailed to property owners within 300 feet on March 17, 2022.
- As of March 24, 2022, the Planning Division has received three (3) emails of opposition, but no communications in support to the request.





Recommendation

Staff recommends approval of the rezoning request, subject to the following condition:

- “That a 10’ landscaped buffer with high-profile native or naturalized trees of at least two-inch (2”) caliper and ten feet (10’) in height shall be placed at fifteen feet (15’) on center along the property lines adjacent to residential or apartment zone districts or uses. 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.”



Mission

Deliver exceptional services to support a high quality of life and place for our community



Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government



Values

Integrity, Respect, Excellence, Accountability, People