

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

AGENDA DATE: November 22, 2022

PUBLIC HEARING DATE: December 13, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 2

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 for the property described as Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue, City of El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office) 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: 4645 Vulcan Avenue

Applicant: Aguilar Pedro M. & Morales Francisca, PZRZ22-00023

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-4 (Residential) to A-O (Apartment/Office) to allow for the proposed use of apartments. City Plan Commission recommended 5-0 to approve the proposed rezoning on November 3, 2022. As of November 15, 2022, the Planning Division has received one (1) letter in opposition 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 Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 135, SUNRISE ACRES #2, 4645 VULCAN AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), 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 **Lot 135, Sunrise Acres #2, 4645 Vulcan Avenue**, located in the City of El Paso, El Paso County, Texas, be changed from **R-4 (Residential)** to **A-O (Apartment/Office)**, 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 increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

That a ten-foot (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 twenty feet (20') on center along the property lines adjacent to residential 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 Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney

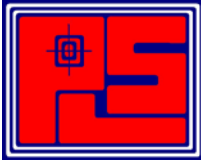
APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00023



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being all of Lot 135,
Sunrise Acres 2,
City of El Paso, El Paso County, Texas
February 21, 2022;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being all of Lot 135, Sunrise Acres #2, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found city monument nail at the centerline intersection of Vulcan Avenue (60 foot right of way) and Howard Street (60 foot right of way), from which a found nail at centerline intersection of Howard Street and Vesta Loop Court (60 foot right of way) bears North $01^{\circ}56'38''$ East a distance of 305.95 feet, thence along Vulcan Avenue centerline, North $88^{\circ}03'15''$ West a distance of 345.59 feet to a point, thence leaving said right of way, North $01^{\circ}56'40''$ East a distance of 30.00 feet to a point, from which a found 1" iron rod bears North $40^{\circ}35'32''$ East a distance of 0.92 feet and the **"TRUE POINT OF BEGINNING"**.

Thence, **North $88^{\circ}03'20''$ West** (rec. South $88^{\circ}49'00''$ West) a distance of **157.80 feet** to a found 1/2" rebar with cap "B&A";

Thence, **North $01^{\circ}56'40''$ East** (rec. North $01^{\circ}11'00''$ West) a distance of **276.00 feet** to a point, from which a found nail with shiner bears North $57^{\circ}19'12''$ East a distance of 0.49 feet;

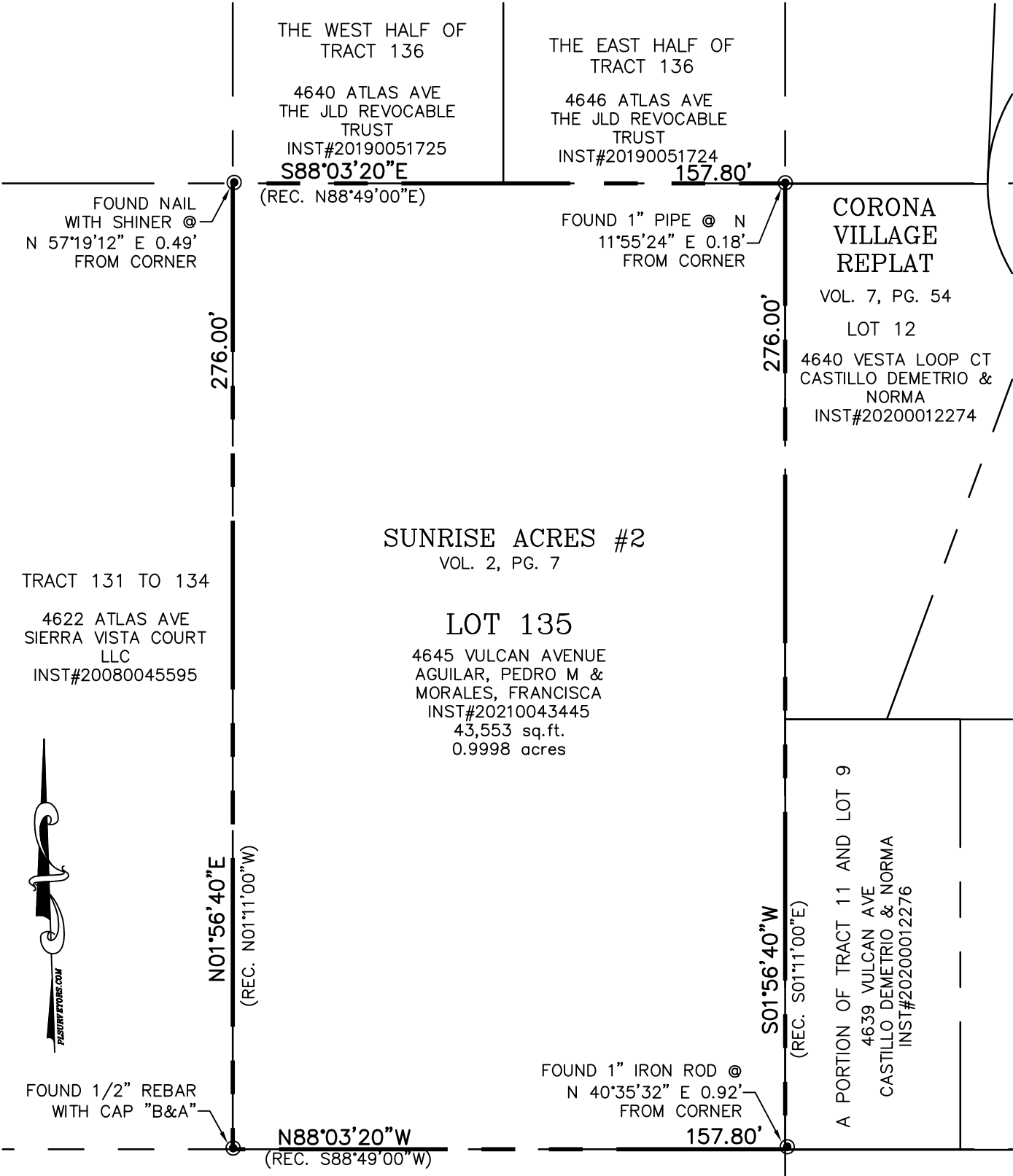
Thence, **South $88^{\circ}03'20''$ East** (rec. North $88^{\circ}49'00''$ East) a distance of **157.80 feet** to a point, from which a found 1" pipe bears North $11^{\circ}55'24''$ East a distance of 0.18 feet;

Thence, **South $01^{\circ}56'40''$ West** (rec. South $01^{\circ}11'00''$ East) a distance of **276.00 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **43,553 square feet** or **0.9998 acres** of land more or less.

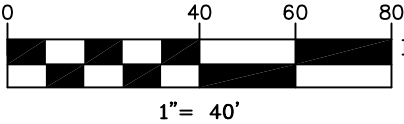
Jesus D. Ibarra, RPLS No.6085

February 21, 2022





LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	N01°56'40\"E



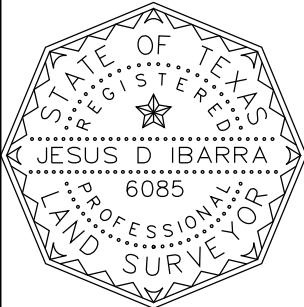
VULCAN AVENUE

(60' R.O.W.)

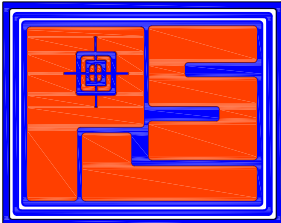
CERTIFICATION

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.

JESUS D IBARRA RPLS#6085, FIRM#10194184



JOB # V-21-072PLS	DATE: February 24, 2022	FIELD: JDI	OFFICE: MRD
LOCATED IN ZONE C	PANEL # 4802140024B,	EFFECTIVE ON 10/15/1982	
RECORDED IN VOLUME 2,	PAGE 7,	PLAT RECORDS, EL PASO COUNTY, TX	



4645 VULCAN AVENUE,
LOT 135,
SUNRISE ACRES SUBDIVISION NO. 2,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PRECISION LAND SURVEYORS
10441 VALLE DE ORO DR.
EL PASO, TEXAS 79927
(915)222-5227

4645 Vulcan Avenue

City Plan Commission — November 3, 2022

REZONING



CASE NUMBER: PZRZ22-00023
CASE MANAGER: Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER: Aguilar Pedro M. & Morales Francisca
REPRESENTATIVE: Luis Javier Lopez (Vista Del Sol Architectural Design)
LOCATION: 4645 Vulcan Ave. (District 2)
PROPERTY AREA: 1.0 acres
REQUEST: Rezone from R-4 (Residential) to A-O (Apartment/Office)
RELATED APPLICATIONS: None
PUBLIC INPUT: One letter in opposition as of October 27, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to A-O (Apartment/Office) to allow for the use of apartments.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL with a CONDITION** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The condition is the following:

That a ten-foot (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 twenty feet (20') on center along the property lines adjacent to residential 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.

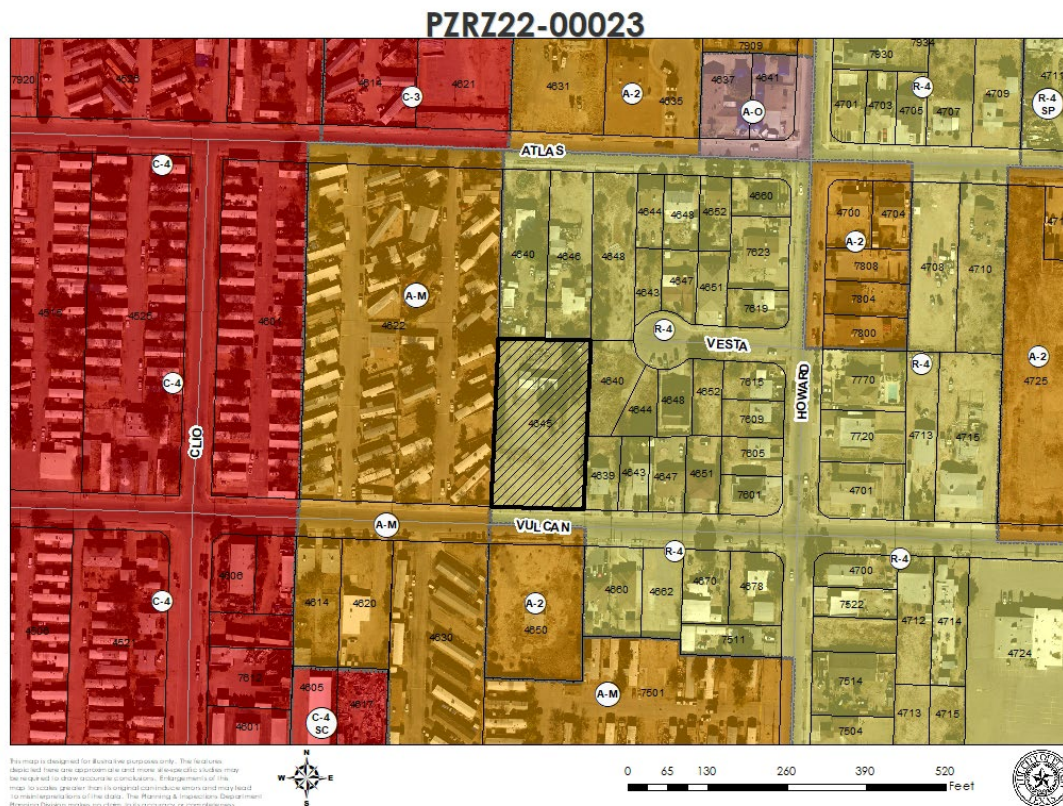


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-4 (Residential) to A-O (Apartment/Office) to allow for one-story apartment buildings. The property is approximately 1.0 acres in size. The conceptual site plan shows seven (7) proposed buildings ranging from 1,370 to 2,055 square feet in size. Most of the proposed buildings will contain two (2) apartment units, with the exception of the 2,050 square foot building which will include three (3) apartment units for a total of fifteen (15) units comprising the site. Per A-O (Apartment/Office) zoning, a maximum density of fifty-eight (58) units is allowed. A 563 square foot administrative office will also be included on site.

The conceptual site plan also shows a parking configuration of twenty-eight (28) parking spaces, nine (9) ADA parking spaces and a minimum of 3 bicycle spaces. The proposed development will count with fifteen (15) apartment units and one (1) administrative office. Main access to the property is proposed from Vulcan Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with the various types of residential housing within the area. Properties to the north include single-family dwellings zoned R-4 (Residential); properties to the south include single family dwellings zoned A-2 (Apartment); properties to the east include single-family dwellings zoned R-4 (Residential) and properties to the west include mobile homes (single-family) zoned A-M (Apartment/Mobile Home Park). The nearest school, Sunrise Mountain Elementary School, is 0.6 miles and the nearest park, Wainwright Park, is 1.0 miles in proximity to the site.

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>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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 proposed development is compatible with the future land use designation as it will integrate with the mixed residential housing types and nearby commercial establishments within the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>A-O (Apartment/Office) District: The purpose of these districts is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes. The proposed zoning is compatible with surrounding zoning as the proposed medium-density use will integrate with the various types of residential zoning found in the area.</p>

REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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 subject property has access to Vulcan Avenue, which is designated as a local road in the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development as it connects to other residential neighborhoods and nearby commercial establishments on the area.
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 area plans, including land-use maps in those plans.	None. The property is not located within any historic districts nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	Yes. The area is in transition to mixed residential zoning. In the last 10 years, nearby areas have changed zoning from R-4 (Residential) to A-2 (Apartment), R-MU (Residential Mixed Use) to R-4 (Residential), and R-4 (Residential) to R-MU (Residential Mixed Use) to permit various types of residential uses in the area.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from Vulcan Avenue, a road classified as local on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development. There are existing sidewalks along Vulcan Avenue that provide pedestrian access to the site. The closest bus stop, located on Dyer Street, is 0.50 miles in proximity to the proposed development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the Mountain View Neighborhood Association and Logan Sunrise Neighborhood Association. The applicant contacted all neighborhood associations prior to November 3, 2022. Notices were sent to property owners within 300 feet of the subject property on October 19, 2022. As of October 27, 2022, the Planning Division has received one (1) letter in opposition to the rezoning request.

CITY PLAN COMMISSION OPTIONS:

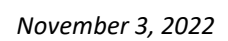
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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.

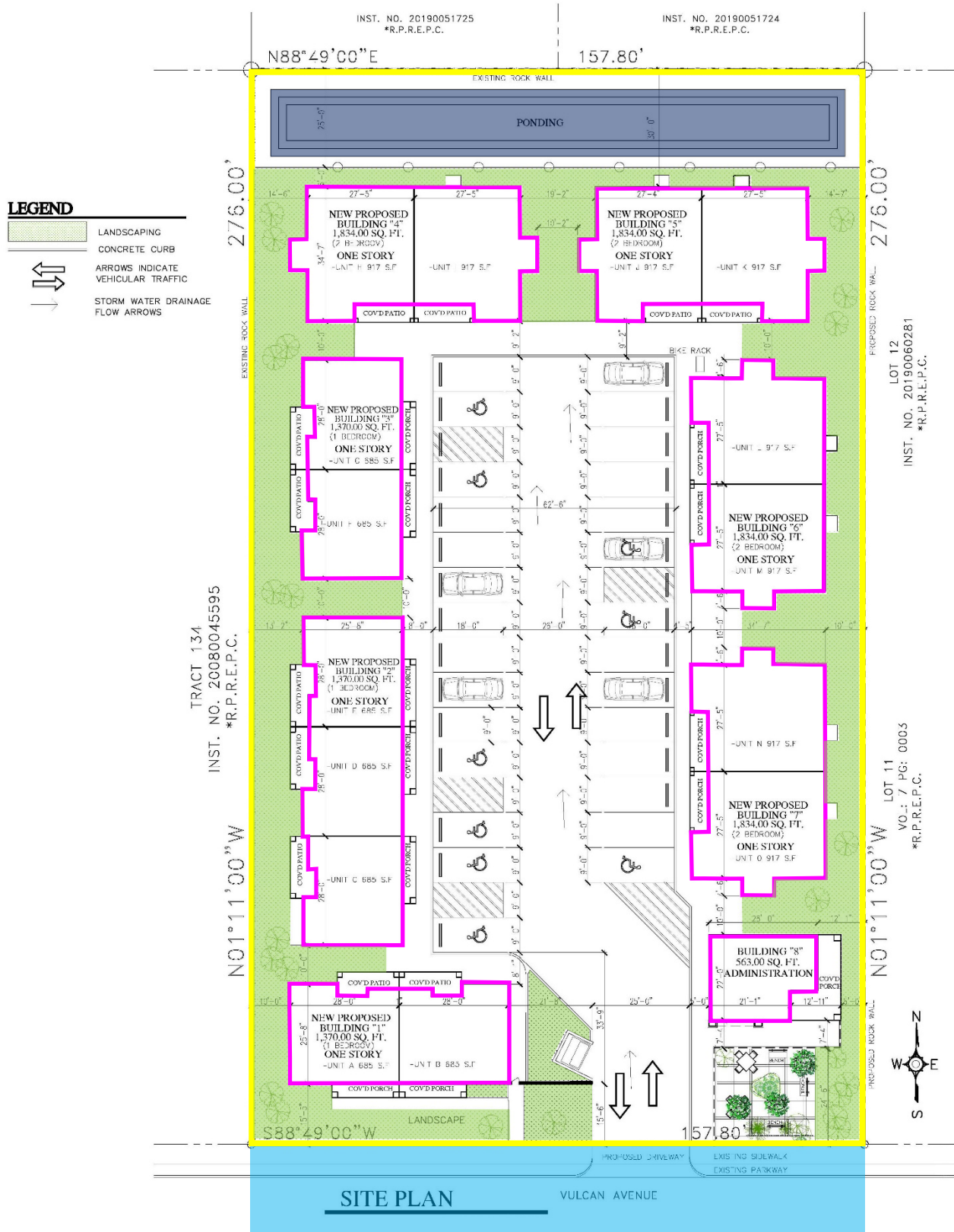
ATTACHMENTS:

1. Future Land Use Map
2. Conceptual Site Plan
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Public Input

PZRZ22-00023



ATTACHMENT 2



ATTACHMENT 3

Planning and Inspections Department - Planning Division

Staff recommends approval of the rezoning request with the following condition:

That a ten-foot (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 twenty feet (20') on center along the property lines adjacent to residential 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.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to the 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 – Land Development

Recommend approval. No objections to rezoning plan.

Fire Department

No adverse comments.

Police Department

No comments/concerns regarding the zoning.

Environmental Services

No comments received.

Streets and Maintenance Department

Recommend approval. No objections to the rezoning.

A Traffic Impact Analysis (TIA) is not required. This application does not meet the criteria to require a TIA per Section 19.18.010(B)(1) of the El Paso Municipal Code.

Sun Metro

No comments received.

El Paso Water

El Paso Water (EPWater) does not object to this request.

Water:

There is an existing 8-inch diameter water main that extends along Vulcan Avenue located approximately 20-feet east from the property. This main is available for service.

EPWater records indicate an active ¾-inch domestic water meter serving the subject property. The service address for this meter is 4645 Vulcan Avenue.

Previous water pressure from fire hydrant #2529 located 454-feet east of the intersection of Clio Street and Vulcan Avenue has yielded a static pressure of 85 psi, a residual pressure of 75 psi and a discharge of 1,087 gallons per minute. 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

Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along Vulcan Avenue located approximately 35-feet south from the property. This main is available for service.

General:

An application for additional water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. 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:

EPWater-SW has no objections to this proposal; there is a pond in the rear and there is plenty of green space that can be recessed and used to retain storm sewer

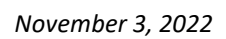
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

The attached item is not within the boundaries of EPCWID1.

PZRZ22-00023



ATTACHMENT 5

Case: PZRZ22-00023 - 4645 Vulcan Ave

October 27, 2022

To: Philip F. Etiwe, Director, Planning and Inspections Department.

CC. To: Saul J.G. Pina, Planner, Planning and Inspections Department.

CONCERN: Over the change of zoning on the property on 4645 Vulcan Avenue from R-4 (Residential) to A-O (Apartment/Office) schedule for a hearing on Nov 3, 2022.

Case: PZRZ22-00023 - 4645 Vulcan Ave.

I, **Gregorio Jaramillo**, owner and resident of the properties on **4651 Vulcan Ave and 4652 Vesta Loop**, both of them located only three houses down from where the proposed change will take place want to express my concern and position on this proposed change.

I am opposed to this change. For the simple reason that it will devalue our established residential properties. And it will bring more people, traffic, and demands on utilities and school resources.

I am definitively opposed to accept, to have an apartment complex and/or offices next to my house that I have worked for, to keep and improve for the past 35 years, since March of 1987, and after paying my mortgage of 30 years. I am a 67 year old man that has worked my whole life to be able to have this home.

I just hope that the director, the planner, and all the people involved in making this decision will take in consideration the interest of all residents in this established neighborhood and pass a decent resolution in benefit of all the residents of this community.

Attentively,

GREGORIO JARAMILLO

Ph. (915) 274-4038

Email: gjaramillo1955@gmail.com (Feel free to contact me)