

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

DEPARTMENT: Planning & Inspections, Planning Division

AGENDA DATE: September 1, 2020

PUBLIC HEARING DATE: September 29, 2020

CONTACT PERSON NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Adriana Martinez, (915) 212-1611

DISTRICT(S) AFFECTED: 2

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 Lot 5, and a portion of Lots 2, 4, and 6, Block 1, Rosemont Addition Replat C, 2300 McKinley Avenue, City of El Paso, El Paso County, Texas from R-4/SP (Residential/special permit) and R-4 (Residential) to PMD/SP (Planned Mountain Development/special permit). 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: 2300 McKinley Avenue
Applicant: Bienvivir Senior Health Services

BACKGROUND / DISCUSSION:

The applicant requests to rezone from R-4/sp (Residential/special permit) and R-4 (Residential) to PMD/sp (Planned Mountain Development/Special Permit) to allow the continued use of an Assisted Living Facility. The City Plan Commission recommended 8-0 to approve the proposed rezoning on April 30, 2020. As of August 25, 2020, staff has not received any communication in support or opposition to request. See attached staff report and correspondence for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



Philip F. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 5, AND A PORTION OF LOTS 2, 4, AND 6, BLOCK 1, ROSEMONT ADDITION REPLAT C, 2300 MCKINLEY AVENUE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/SP (RESIDENTIAL/SPECIAL PERMIT) AND R-4 (RESIDENTIAL) TO PMD/SP (PLANNED MOUNTAIN DEVELOPMENT/SPECIAL PERMIT). 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 Lot 5, and a portion of Lots 2, 4, and 6, Block 1, Rosemont Addition Replat C, 2300 McKinley Avenue, located in the City of El Paso, El Paso County, Texas, and more particularly describe by the metes and bounds attached as Exhibit "A", be changed from R-4/sp (Residential/special permit) and R-4 (Residential) to PMD/sp (Planned Mountain Development/special permit), 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.

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 _____, 2020.

THE CITY OF EL PASO:

Dee Margo, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Leslie B. Jean-Pierre
Assistant City Attorney

Philip F. Etiwe, Director
Planning & Inspections Department

(Exhibits on the following pages)

ORDINANCE NO. _____
20-1007-2643 | 1018716
2300 Mckinley Ave.
LBJ

PZRZ20-00010

EXHIBIT "A"

Prepared For: Bienivir Senior Health Services
May 14, 2020

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being all of Lot 5, and a portion of Lots 2, 4, and 6, Block 1, Rosemont Addition Replat C, as recorded in clerk's file no. 20200002154, Real Property Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found ½" rebar with cap marked TX 4297 for the southeast corner of Lot 4, Block 1, Rosemont Addition Replat C, as recorded in clerks file no. 20200002154, Real Property Records of El Paso County, Texas, from which a found ½" rebar with cap marked TX 4297 for the southwest corner of Rosemont Addition Replat A, Amending Plat Amending Plat, as recorded in clerks file no. 20010004574, Real Property Records of El Paso County, Texas, bears, North 89°48'37" West a distance of 293.78 feet, and a found monument at Oklahoma Street and Morehead Avenue, bears South 88°24'16" East a distance of 611.40 feet, Thence leaving said found ½" rebar with cap marked TX 4297 for the southeast corner of Lot 4, Block 1, Rosemont Addition Replat C, as recorded in clerks file no. 20200002154, Real Property Records of El Paso County, Texas, North 16°45'29" East a distance of 321.67 feet to the "TRUE POINT OF BEGINNING";

Thence, North 78°38'40" West a distance of 139.75 feet to point;

Thence, North 78°38'07" West a distance of 19.58 feet to a point of curve;

Thence, 219.87 feet along the arc of a curve to the right whose radius is 100.38 feet whose interior angle is 125°30'03" whose chord bears North 15°53'39" West a distance of 178.48 feet to a point;

Thence, North 46°35'18" East a distance of 8.55 feet to a point;

Thence, North 46°49'23" East a distance of 166.41 feet to a point of curve;

Thence, 268.96 feet along the arc of a curve to the left whose radius is 185.00 feet whose interior angle is 83°18'00" whose chord bears North 05°10'23" East a distance of 245.89 feet to a point;

Thence, North 36°28'37" West a distance of 26.79 feet to a point of curve;

Thence, 80.83 feet along the arc of a curve to the left whose radius is 442.73 feet whose interior angle is 10°27'40" whose chord bears North 41°42'27" West a distance of 80.72 feet to a point on the southerly right of way line of McKinley Ave.;

Thence along said right of way line, South 64°59'51" East a distance of 95.76 feet to point;

Thence along said right of way line, South 73°49'14" East a distance of 79.04 feet to point;

Thence along said right of way line, South 82°38'37" East a distance of 44.05 feet to point on the easterly line of Rosemont Addition Replat C;

CONDE INC
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

Thence along said line, South 00°11'23" West a distance of 159.92 feet to point;

Thence along said line, North 89°48'37" West a distance of 25.00 feet to set point;

Thence along said line, South 00°11'23" West a distance of 214.68 feet to a point;

Thence leaving said line and along the easterly line of Lot 5, Block 1, Rosemont Addition Replat C, South 14°25'24" West a distance of 188.90 feet to point on the easterly line of Rosemont Addition Replat C;

Thence along said line, South 18°44'23" West a distance of 25.21 feet to the "TRUE POINT" OF BEGINNING" and containing 100,678 square feet or 2.3113 acres of land more or less.

Note: A drawing of even date accompanies this description.


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



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905
(915) 592-0283 FAX (915) 592-0286 FIRM# 10078100

(Exhibit "B" on the following page)

ORDINANCE NO. _____
20-1007-2643 | 1018716
2300 Mckinley Ave.
LBJ

PZRZ20-00010

2300 McKinley Avenue

City Plan Commission — April 30, 2020



CASE NUMBER:	PZR20-00010
CASE MANAGER:	Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov
PROPERTY OWNER:	Bienvivir Senior Health Services
REPRESENTATIVE:	Conde, Inc.
LOCATION:	2300 McKinley Avenue (District 2)
PROPERTY AREA:	13.391 acres
REQUEST:	Rezone from R-4/sp (Residential/special permit), R-4 (Residential) to PMD/sp (Planned Mountain Development/special Permit)
PUBLIC INPUT:	Planning has not received any communication in support or opposition to the condition amendment request; notices sent to property owners within 300 feet on April 17, 2020.

SUMMARY OF REQUEST: The applicant requests to rezone from R-4/sp (Residential/special permit), R-4 (Residential) to PMD/sp (Planned Mountain Development/Special Permit) to allow the continued use of an Assisted Living Facility.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **Approval** of the rezoning request. The proposed development meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of G-2, Traditional Neighborhood (Walkable), use designation of *Plan El Paso* in the Central Planning area.

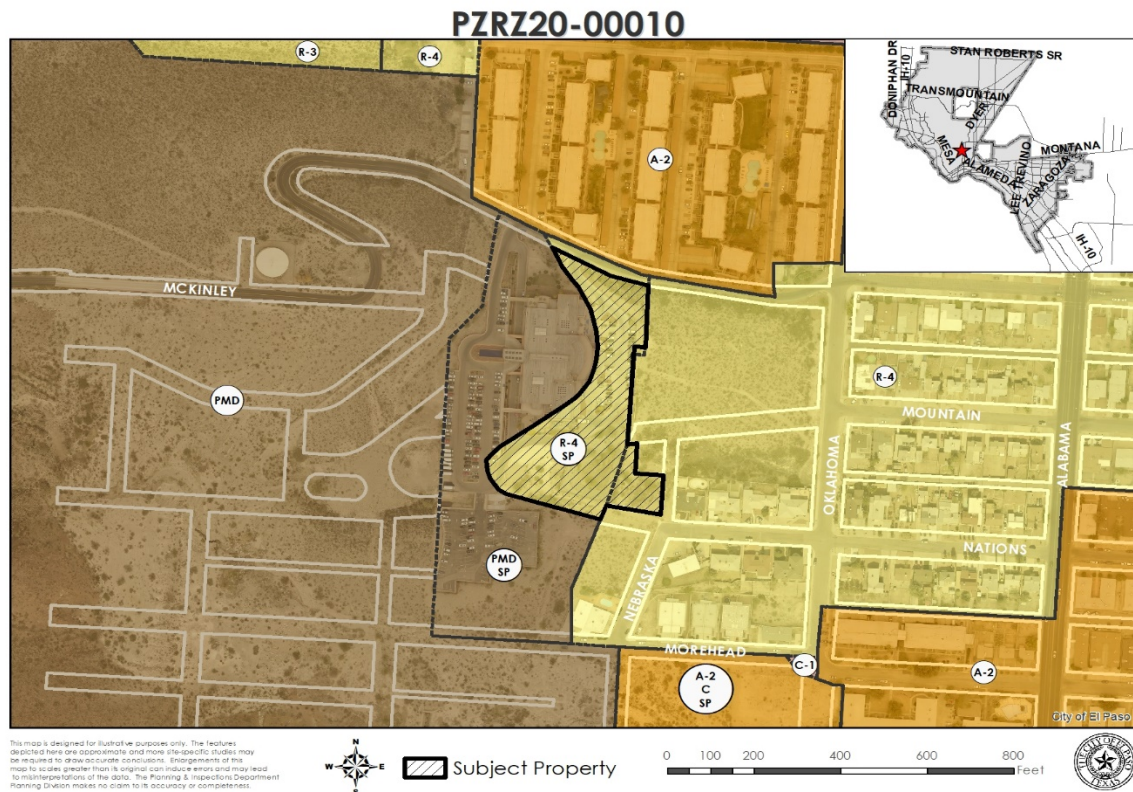


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant proposes to rezone a portion of land from R-4/sp (Residential/Special Permit), R-4 (Residential) to PMD/sp (Planned Mountain Development/Special Permit) to allow the continued use of an Assisted Living Facility. The approved special permit on the subject property was to allow an Assisted Living Facility. The applicant intends to construct an additional parking lot to serve for the existing facility, expanding its parcel to an area not covered by the original special permit. The Planned Mountain Development (PMD) allows assisted living facilities by right and will thus allow the hospital to meet its needs. The detailed site development site plan indicated 30,560 sq.ft. building and 275,039.89 sq. ft. of open space. Primary access to the existing development is from McKinley Avenue.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed development meets the intent of G-2, Traditional Neighborhood (Walkable), use designation of *Plan El Paso* in the Central Planning area. The nearest park is Lt. Col. Robert "Bob" Chisolm Park (0.359 miles) and the nearest school is Clendenin Elementary (0.549 miles).

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>G-2, Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The existing institutional use remains consistent with other commercial and residential uses in the neighborhood. Commercial and Residential uses are common and welcomed in this sector. The surrounding area uses vary from single-family dwellings and multi-family dwellings.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>PMD (Planned Mountain Development) District: Significant natural features of the mountain development and hillside area within the City. Provide design alternatives which help to minimize disturbances to the natural character of the area and which enhance the open space and aesthetic qualities of the land and to protect, stabilize and enhance the development of these environmentally sensitive lands and to preserve them from the encroachment of more intensive forms of development.</p>	<p>Yes, the proposed development is a permitted use in the Planned Mountain Development (PMD) district. The existing development shows 275,039.89 sq. ft. of undisturbed open space.</p>
<p>Preferred Development Locations: Is the property in a "Compact Urban" area?</p>	<p>Yes, the subject property is located along McKinley Avenue, which is classified as a</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:	
	local street on the City of EL Paso's Major thoroughfare plan.

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.	N/A
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects predicted from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.
Natural Environment: Anticipated effects on the natural environment.	No effect on the natural environment anticipated as the subject property is in an already developed area.
Stability: Whether the area is stable or in transition.	The area is stable. There has been no rezoning cases within the past five years within the area.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	N/A

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: There is an existing 12-inch diameter water main that extends along the north side of McKinley Avenue, approximately 15-foot south of and parallel to the northern right-of-way line of McKinley Avenue. This water main is available for service.

PUBLIC COMMENT: The subject property lies within the El Paso Central Business and Sunrise Civic Neighborhood Associations. Notice was provided to both neighborhood associations prior to submittal. Planning has not received any communication in support or opposition to the condition amendment request; Notices sent to property owners within 300 feet on April 17, 2020.

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 City Plan Commission (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.

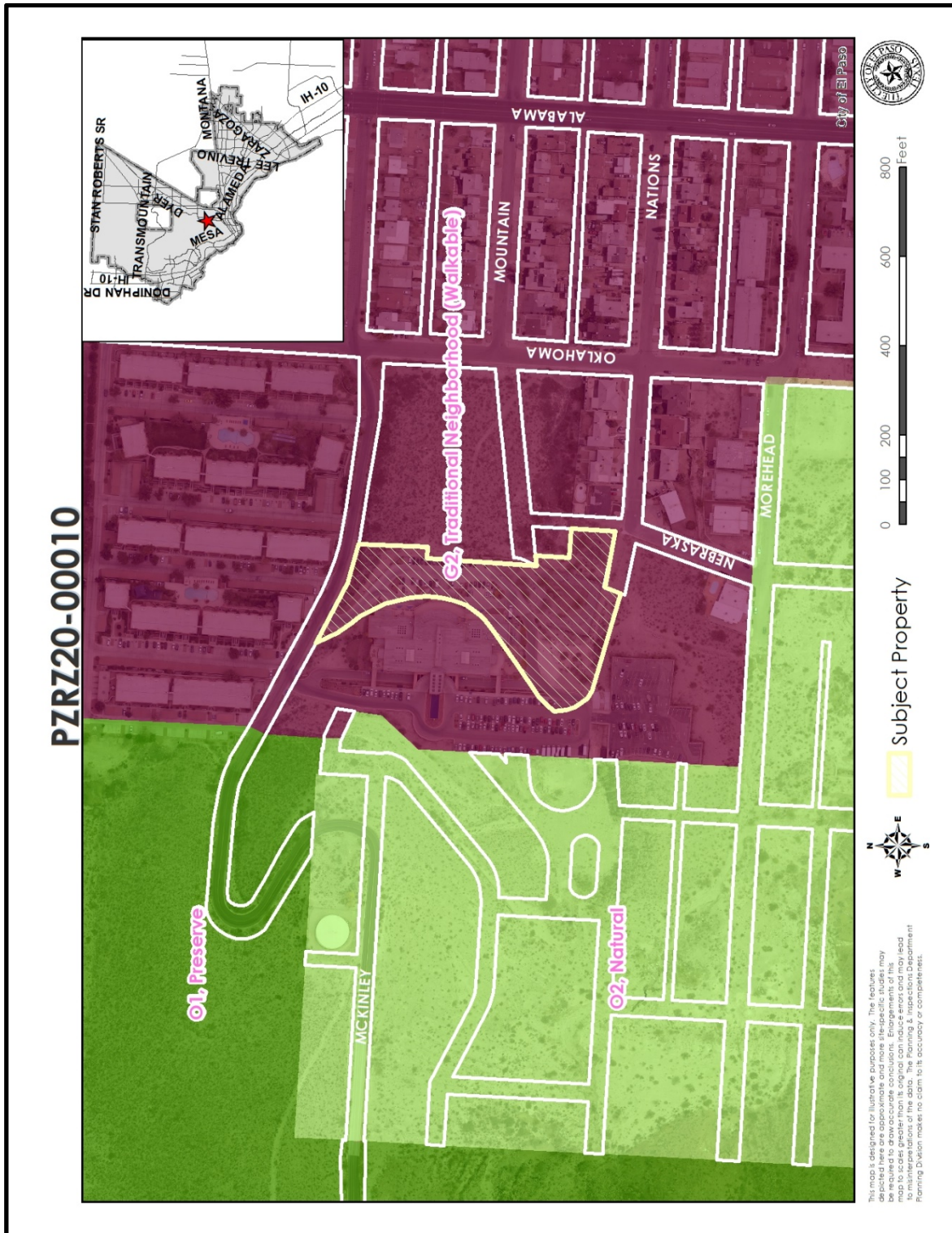
3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

ATTACHMENTS:

1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Detailed Site Development Plan

ATTACHMENT 1

Future Land Use Map



ATTACHMENT 2

Department Comments

Planning and Inspections Department – Planning

No objections to the Rezoning.

Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

Planning and Inspections Department – Plan Review & Landscaping Division

Submitted site plan reviewed for general conformity. Proposed project shall meet all building code requirements at time of building permit submittal.

Planning and Inspections Department – Land Development

No objections to proposed rezoning.

Fire Department

Recommend approval.

Texas Department of Transportation

Proposed development is not abutting TxDOT right of way. Therefore, TxDOT has no comment.

Sun Metro

Recommend approval.

EPCWID

Item is not within the boundaries of EPCWID.

El Paso Police Department

No comment for this item.

Street & Maintenance

No objections for the rezoning of 2300 McKinley PZRZ20-00010.

El Paso Water

We have reviewed the request described above and provide the following comments:

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

Water:

There is an existing 12-inch diameter water main that extends along the north side of McKinley Ave., approximately 15-feet south of and parallel to the northern right-of-way line of McKinley Ave. This water main is available for service.

There is an existing 6-inch diameter water main that extends along the east side of Nebraska Street approximately 19.5-feet west of and parallel to the eastern right-of-way line of Nebraska Street. This water main is available for service and main extension.

There is an existing 16-inch diameter water main that extends along Eureka/Summit Ave. This main is approximately 15-feet east of and parallel to the western right of way of Eureka Ave. No direct service connections are allowed to this main as per the El Paso Water Rules & Regulations. EPWater records indicate two active 6-inch water meters serving the subject property. The service address for these meters is 2300 McKinley Ave.

Previous water pressure from fire hydrant #5430 located approximately 870 feet west of Oklahoma Street, has yield a static pressure of 75 (psi), a residual pressure of 70 (psi) and a discharge of 1627 gallons per minute (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 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 the west side of Nebraska Street, approximately 20-feet east of and parallel to the western right-of-way line of Nebraska Street. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Nations Ave, approximately 20-feet north of and parallel to the southern right-of-way line of Nations Ave. This sanitary sewer main is available for service.

General:

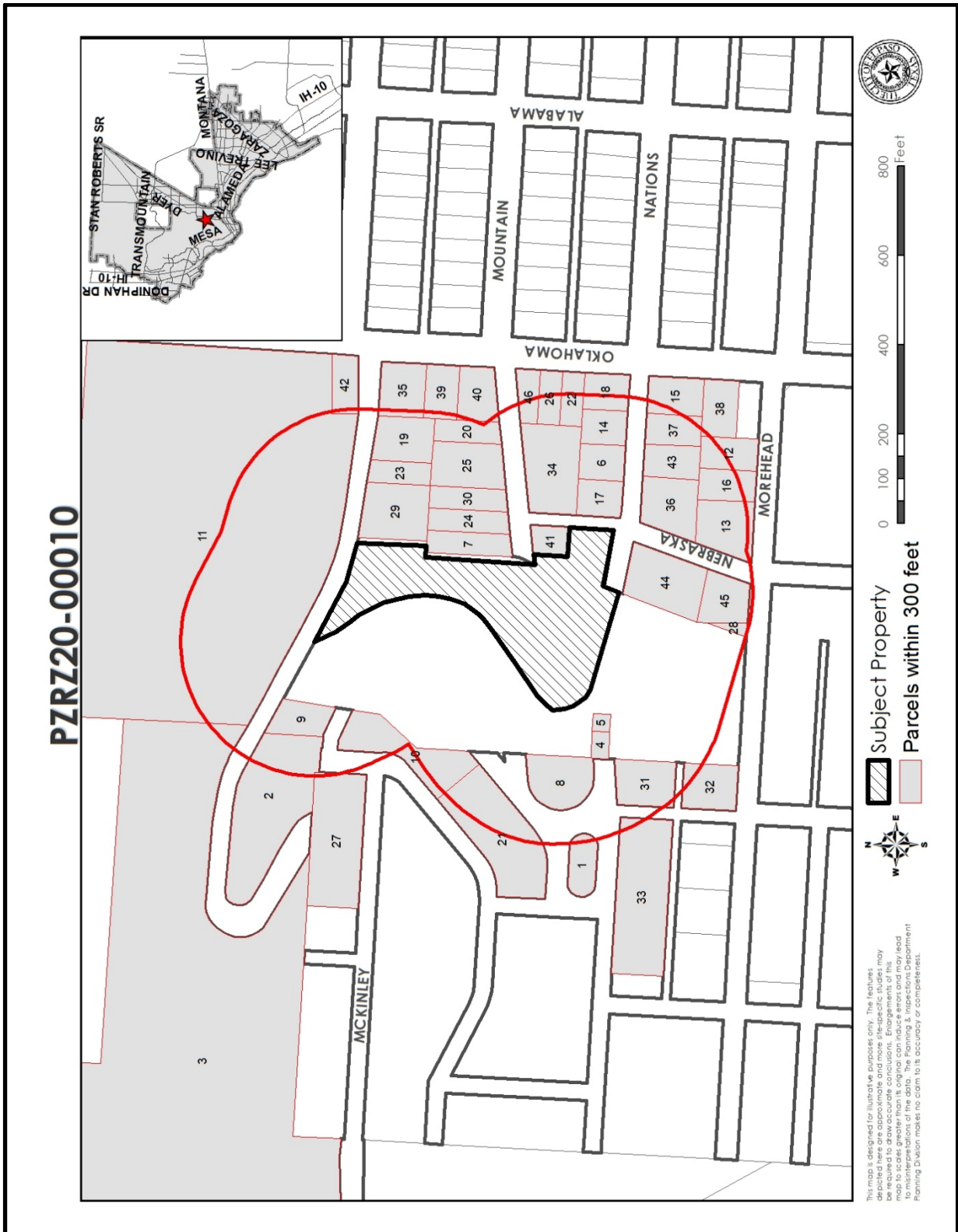
An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description 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 Engineering

1. We have no objections to the request for rezoning.
2. The developer may be responsible for the additional stormwater runoff generated by the proposed property, and must ensure that the historic runoff volume, peak and duration are maintained.
3. EPW - Stormwater Engineering recommends using principles of low impact & green infrastructure development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed stormwater runoff and to mitigate adverse downstream drainage conditions.

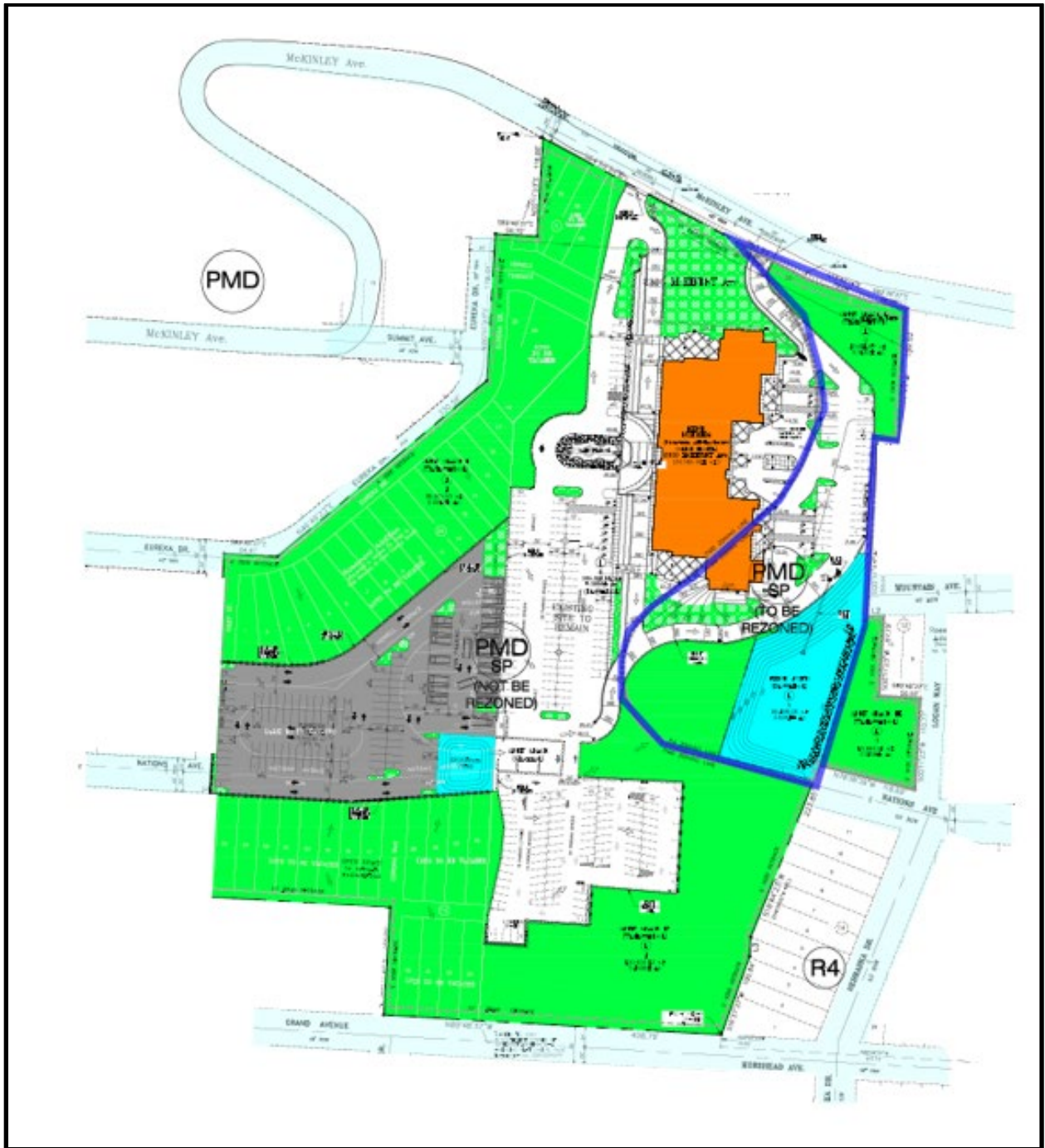
ATTACHMENT 3

Boundary Map



ATTACHMENT 4

Detailed Site Development Plan





2300 McKinley Avenue Rezoning

PZRZ20-00010

Strategic Goal 3.

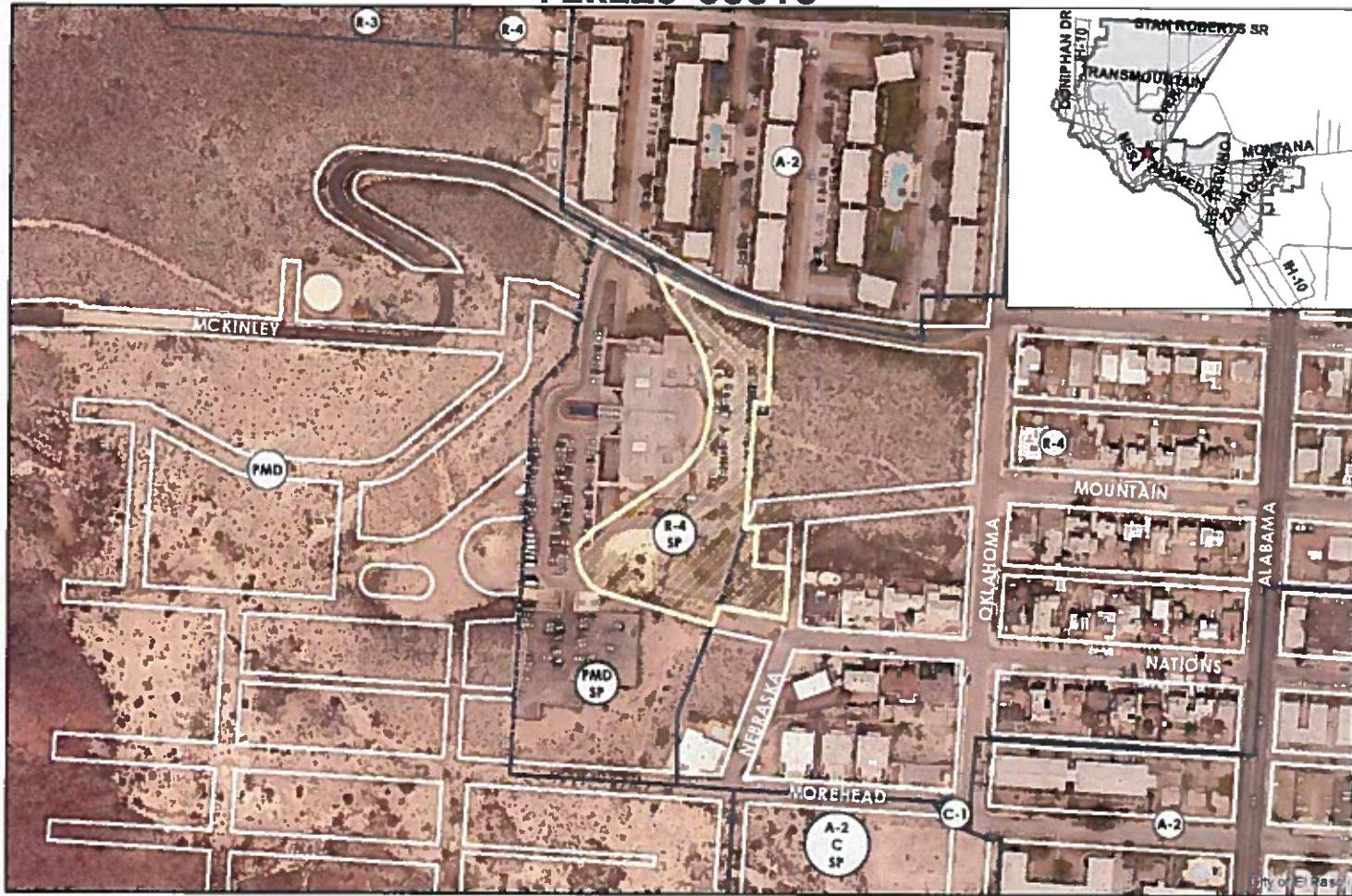
Promote the Visual Image of
El Paso



PZRZ20-00010



Aerial



This map is designed for illustrative purposes only. The features depicted here are approximate and more detailed studies may be required to draw accurate conclusions. If changes to the map or to the data are made, the City of El Paso may lead to misinterpretation of the data. The Planning & Information Department Planning & Information makes no claim to its accuracy or completeness.



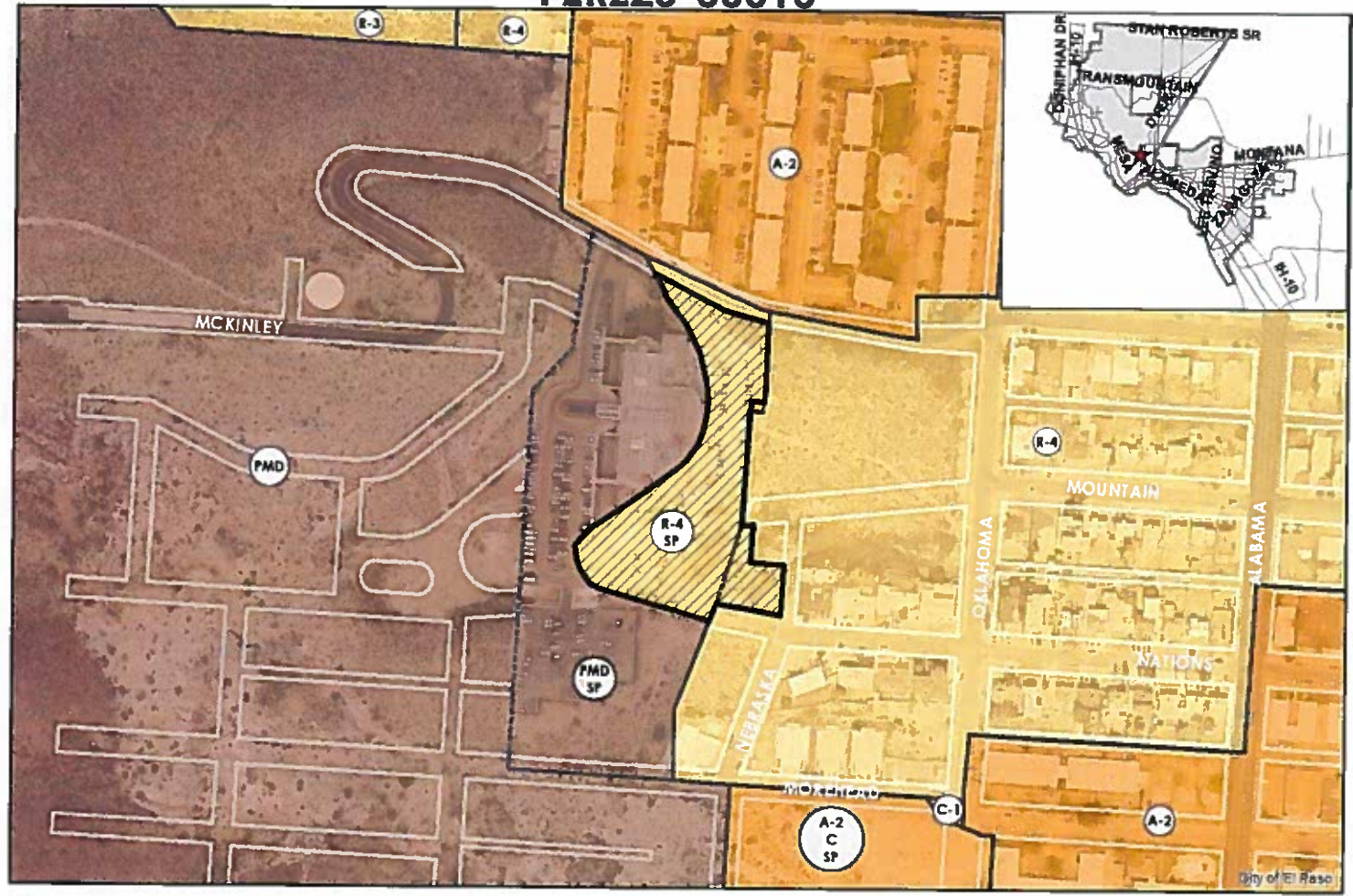
 Subject Property



PZRZ20-00010



Existing Zoning



This map is designed for illustrative purposes only. The features and data here are approximate and more specific studies may be required to draw accurate conclusions. Enlargements of the map to scales greater than its original can introduce errors and may lead to misinterpretation of the data. The Planning & Information Department Printing Division makes no claim to its accuracy or completeness.



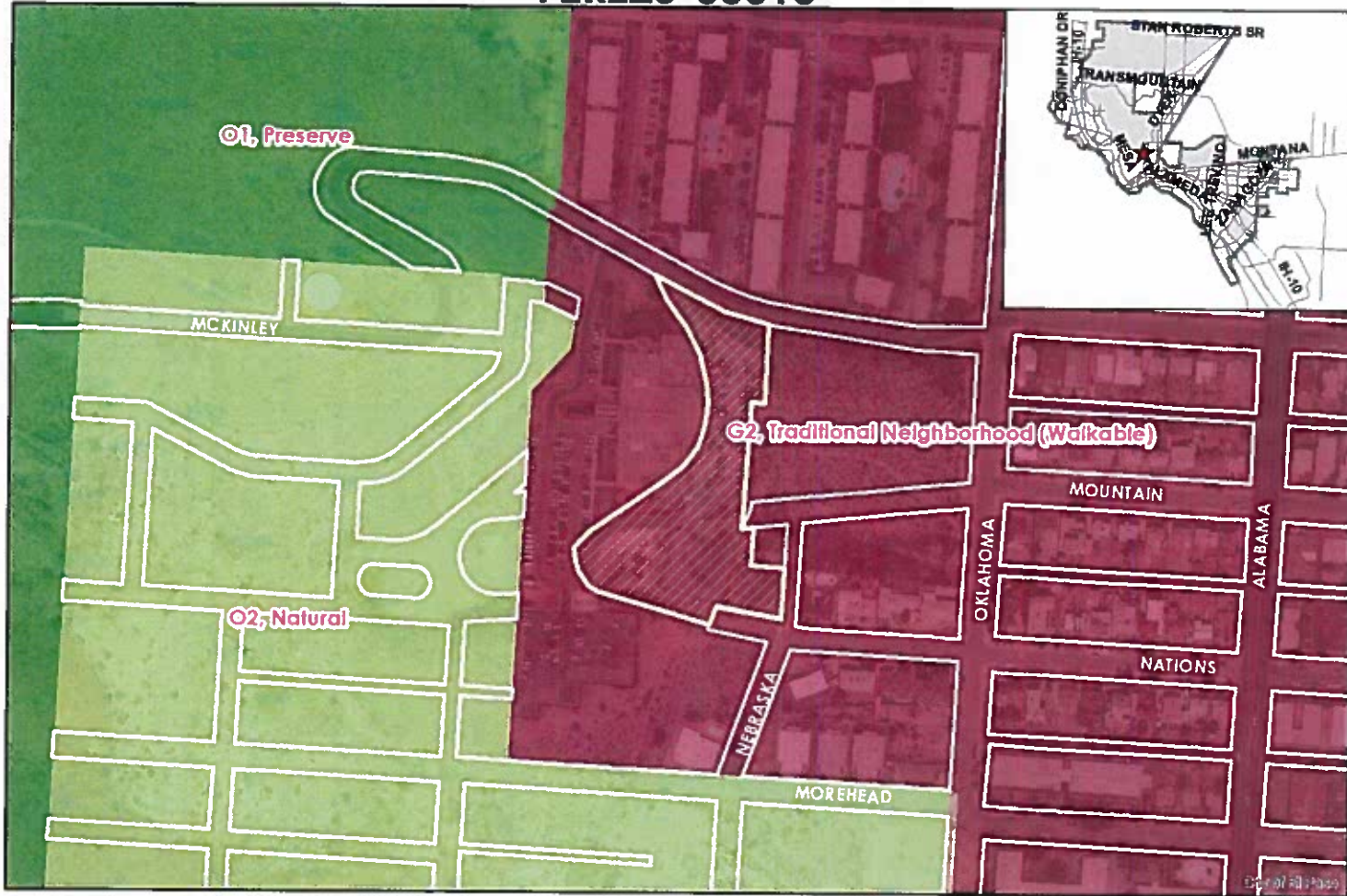
 Subject Property



PZRZ20-00010



Future Land Use



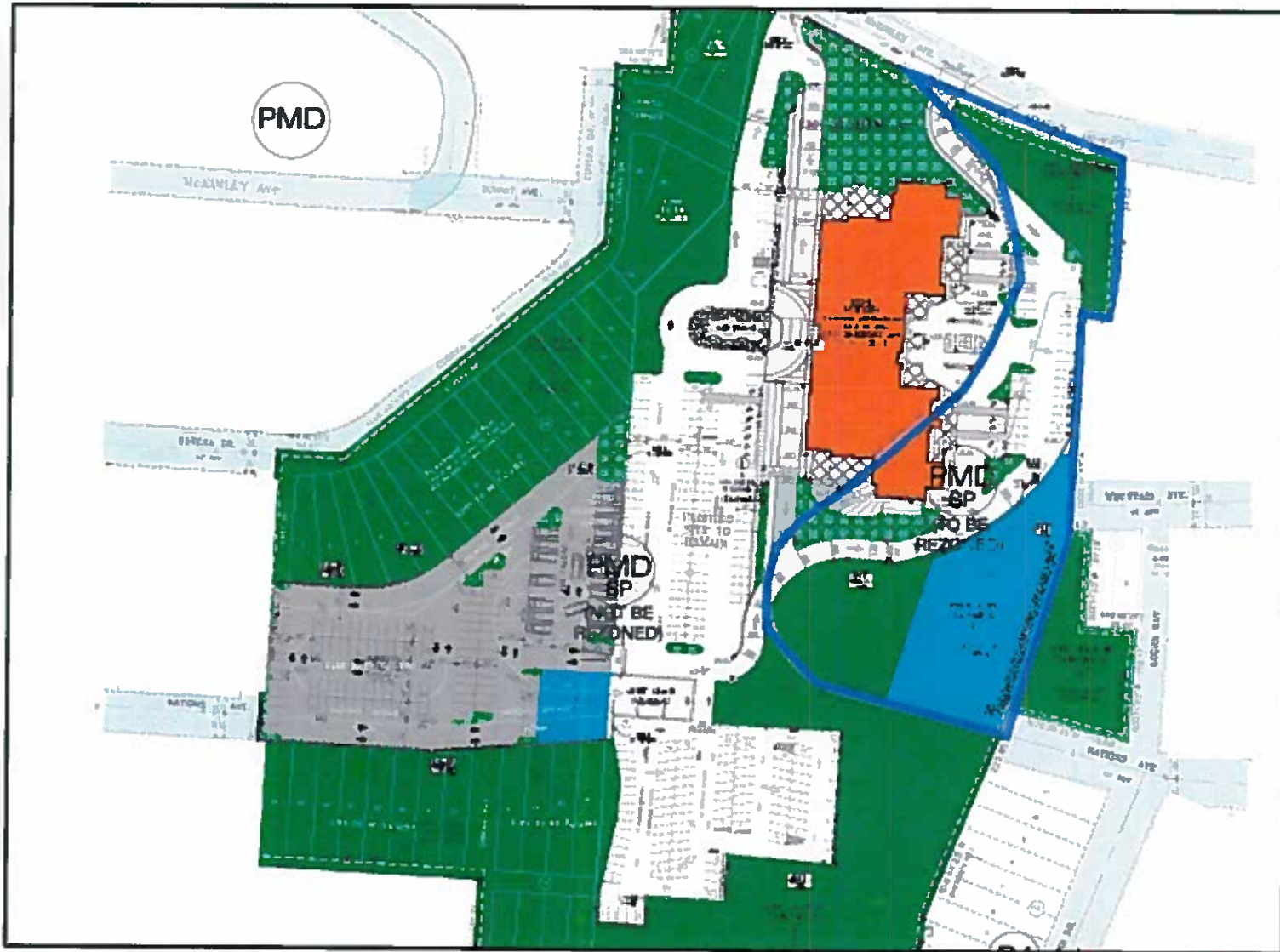
This map is designed for illustrative purposes only. The features depicted here are approximate and more specific studies may be required to draw accurate conclusions. Enlargement of the map to a larger scale may result in errors or may lead to misinterpretation of the data. The Planning & Inspection Department Planning Division makes no claim to the accuracy or completeness.



Subject Property



Detailed Site Development Plan





Subject Property



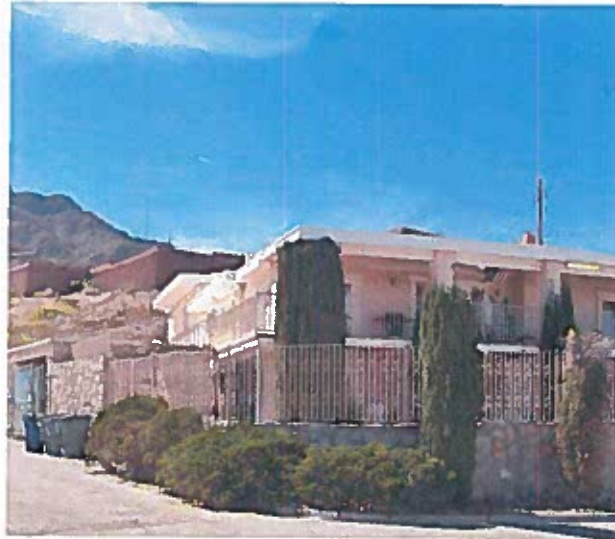
Surrounding Development



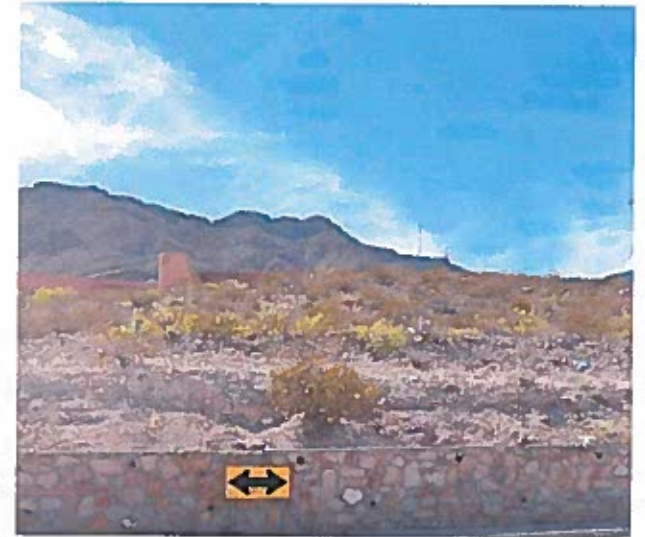
W



N



S

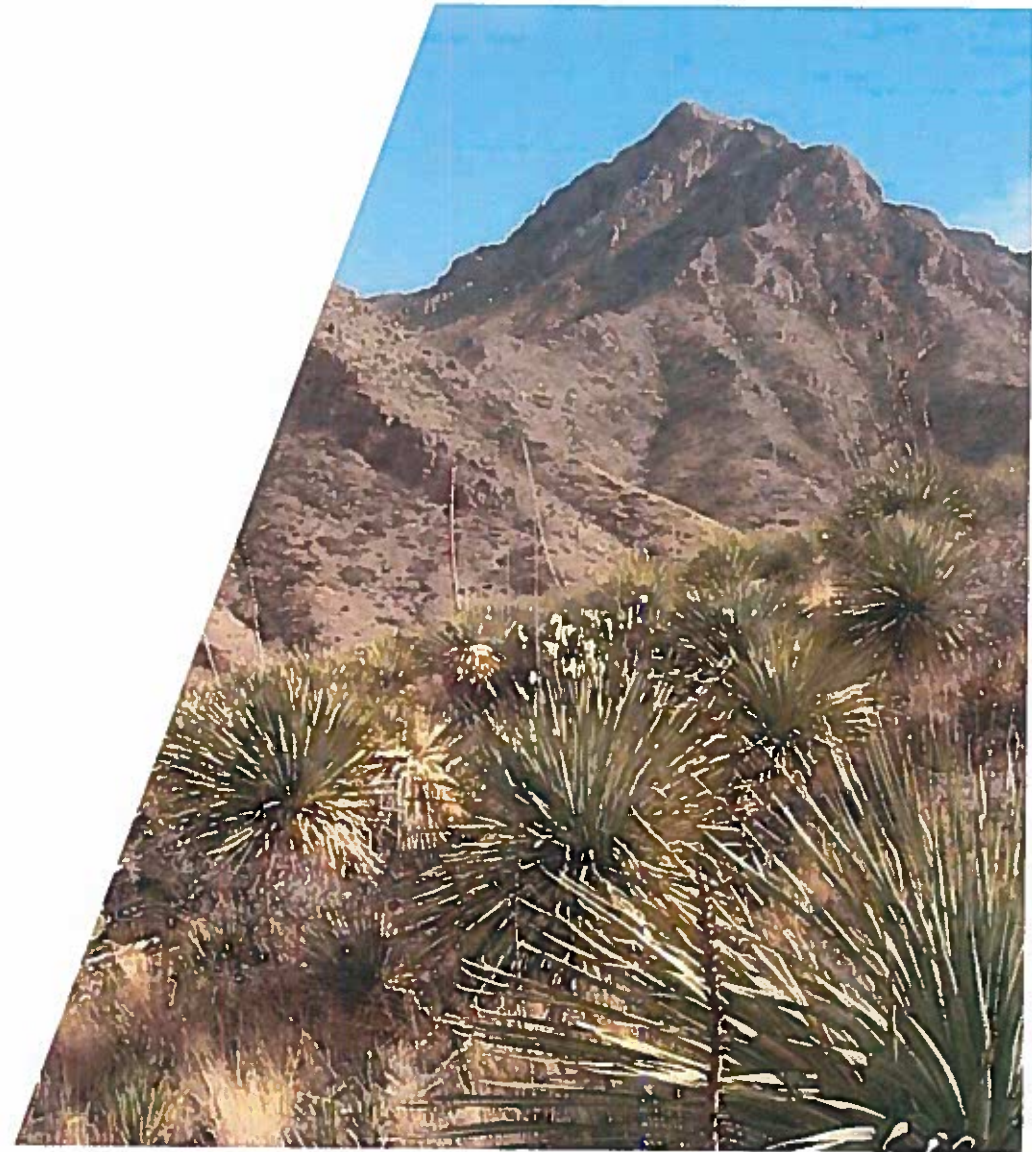


E



Public Input

- Notices were mailed to property owners within 300 feet on April 17, 2020.
- Planning received one inquiry email on this rezoning request.





Recommendation

- Staff recommends Approval of the rezoning request.





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

