

ORDINANCE NO. 019558

AN ORDINANCE CHANGING THE ZONING OF LOT 2, BLOCK 6, THE VILLAGE AT CIMARRON UNIT THREE, 7451 CIMARRON PARK DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3A/C (RESIDENTIAL/CONDITIONS) TO C-1 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of **Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive**, located in the City of El Paso, El Paso County, Texas, be changed from **R-3A/c (Residential/conditions)** to **C-1 (Commercial)**, 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 increase in density and intensity generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

Park requirements shall be reassessed and complied with prior to the issuance of building permits.

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 7 day of NOVEMBER, 2023.

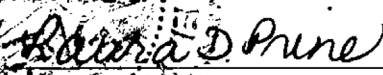
THE CITY OF EL PASO



Oscar Leeser
Mayor



ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etwe, Director
Planning & Inspections Department

ANNEXED

ORDINANCE NO. 019558

Zoning Case No: PZRZ23-00019

Doc # 20230083446
#Pages 1 #NFPages 1
11/14/2023 09:19 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$26.00

eRecorded

I hereby certify that this instrument was filed on the date and time stamped
heron by me and was duly recorded by document number in the Official
Public Records of real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones

7451 Cimarron Park

City Plan Commission — September 7, 2023 **REVISED**

REZONING



CASE NUMBER:	PZRZ23-00019
CASE MANAGER:	Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER:	Hunt Communities Development Co. II, LLC
REPRESENTATIVE:	CSA Design Group, Inc.
LOCATION:	7451 Cimarron Park Dr. (District 1)
PROPERTY AREA:	10.43 acres
REQUEST:	Rezone from R-3A/c (Residential/conditions) to C-1 (Commercial)
RELATED APPLICATIONS:	PZCR23-00003 - Condition Release Application
PUBLIC INPUT:	Five (5) phone calls in opposition and one (1) phone call in support received as of September 6, 2023

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial) for proposed use of apartments.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITION** of the request as the proposed development is in keeping with the policies of the G-4, Suburban (Walkable) Land Use Designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The condition is the following:

- *Park requirements shall be reassessed and complied with prior to issuance of building permits.*

PZRZ23-00019 & PZCR23-00003

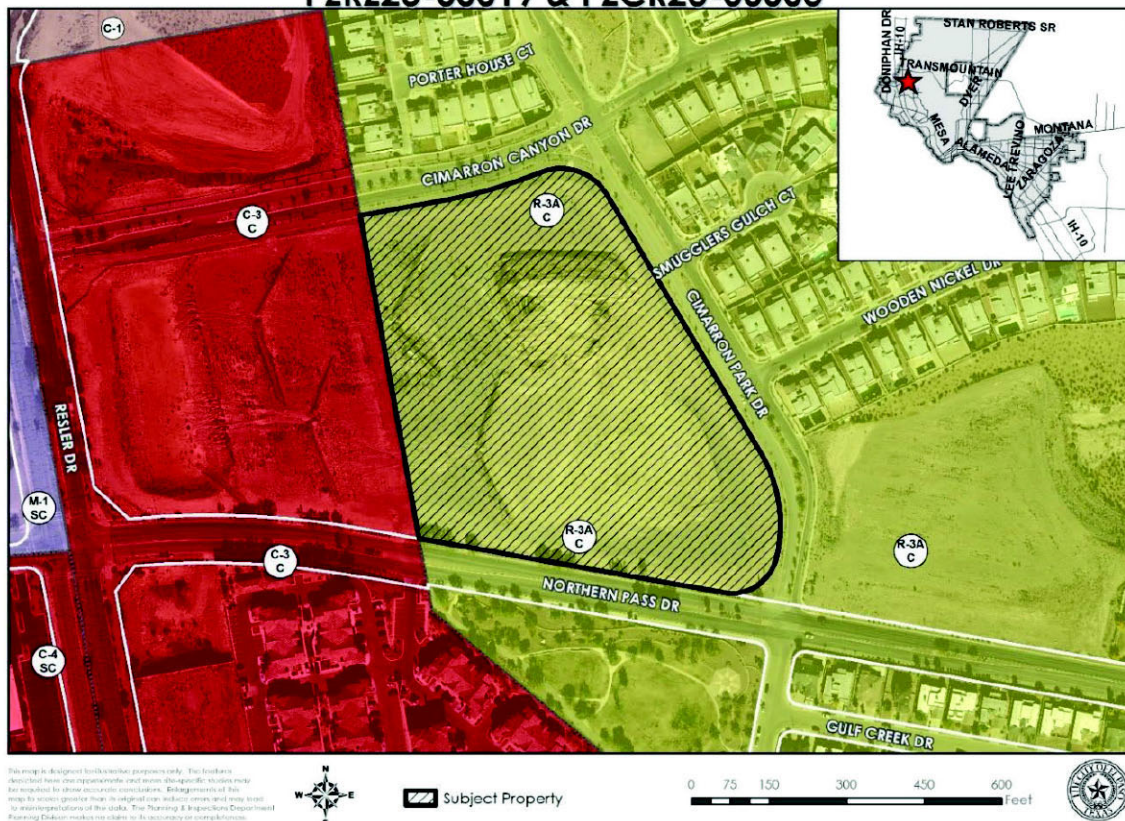


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to rezone a 10.43-acre parcel from R-3A/c (Residential/conditions) to C-1 (Commercial) for proposed apartments. **The conceptual plan shows eleven (11) detached buildings and one (1) office building.** Access to the subject property is proposed from Northern Pass Drive and Cimarron Park Drive.

PREVIOUS CASE HISTORY: On January 20, 2004, the subject property was rezoned to R-3A/c (Residential/conditions) and the following conditions were imposed via Ordinance No. 15672 (Attachment 4):

1. *Sixty percent (60%) of the land area within parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

Note: Conditions requested to be released by application PZCR23-00003

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed apartment use and the proposed rezoning of the subject property to C-1 (Commercial) is in character with the commercial districts to the west. The adjacent properties to the north and east are zoned R-3A/c (Residential/conditions) and consist of vacant lots and single-family dwellings. The adjacent property to the south is a park and the adjacent property to the east is zoned C-3/c (Commercial/conditions) and is currently vacant. The rezoning has the potential to provide a greater mix of residential uses as well as neighborhood commercial uses to the surrounding area, while also serving as a buffer for residential properties East of Resler Drive to decrease noise pollution.

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-4, (Walkable): 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 proposed use of apartments aligns with the intent of the future land use designations of <i>Plan El Paso</i> while supplementing the existing housing stock desired of G-4 (Walkable) land use designations.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) District: The purpose of these districts is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The proposed C-1 (Commercial) zoning district is compatible with adjacent property to the west zoned C-3/c (Commercial). While properties to the north, south, and east are zoned R-3A/c (Residential/conditions), changing the current zoning designation of the subject property will serve as a buffer for residential properties behind Resler Drive to reduce traffic and noise pollution as well expand commercial zoning already present along Resler Drive.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street</p>	<p>Yes. Access to the subject property is proposed from Northern Pass Drive, a minor arterial, and from Cimarron Park Drive, a local street as classified under</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:	
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.	the City of El Paso’s Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development.
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 property lies within the Hillside Development Area. The Open Space Advisory Board (OSAB) recommended approval of the rezoning request on August 16, 2023.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects are anticipated by the rezoning of the subject property.
Natural Environment: Anticipated effects on the natural environment.	The property lies within the Hillside Development Area and adjacent to existing development. There are no anticipated effects on the natural environment.
Stability: Whether the area is stable or in transition.	The area is stable with no rezonings in the last 10 years. However, there is pending rezoning request (PZRZ23-00002) for properties north of the subject property from C-1 (Commercial) to C-3 (Commercial) and from C-1 (Commercial), C-3/c (Commercial/conditions), and C-4/c (Commercial/conditions) to R-3A (Residential).
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: Access to the subject property is proposed from Northern Pass Drive, classified as a minor arterial, and from Cimarron Park Drive classified as a local road under the City’s MTP. The classification of these roads is appropriate for the proposed development. There are existing sidewalks along Northern Pass Drive and there is an existing shared use path (for hike and bike use) along Cimarron Park Drive. The nearest bus stop is located 0.15 miles from the subject property on Resler Drive.

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

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Property owners within 300 feet of subject property were notified of the rezoning request on August 9, 2023. As of **September 6, 2023**, the Planning Division received five (5) phone calls in opposition and one (1) phone call in support to the rezoning request. Callers in opposition stated they preferred single-family residential developments over apartments and cited concerns of proposed apartments lowering property values of their homes as reasons for opposition to the rezoning request.

RELATED APPLICATIONS: There is a condition release application (PZCR23-00003) running concurrently with the current rezoning application to release the conditions of the subject property.

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:

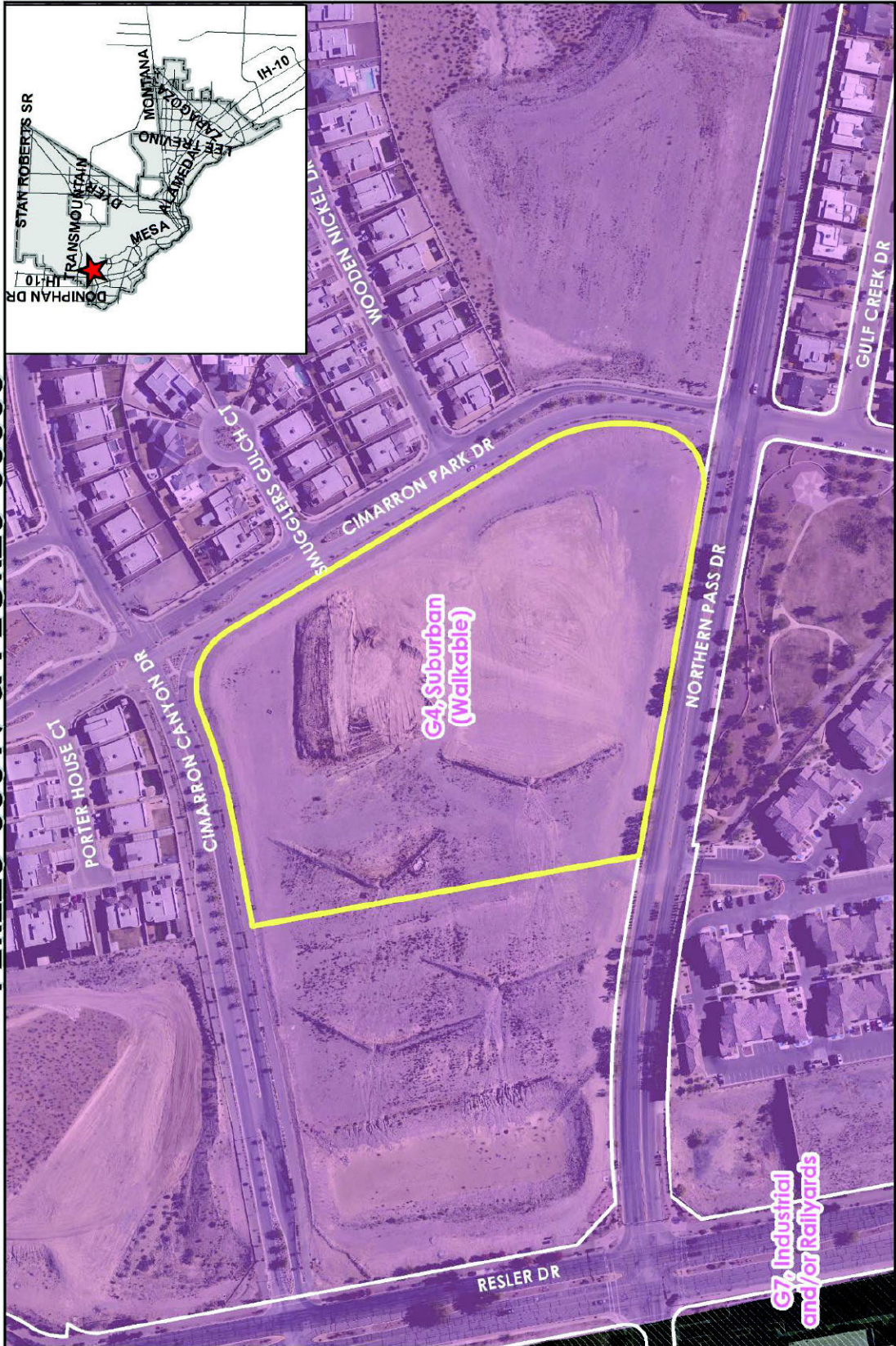
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. Generalized Plot Plan
3. Ordinance No. 15672
4. Department Comments
5. Neighborhood Notification Boundary Map

ATTACHMENT 1

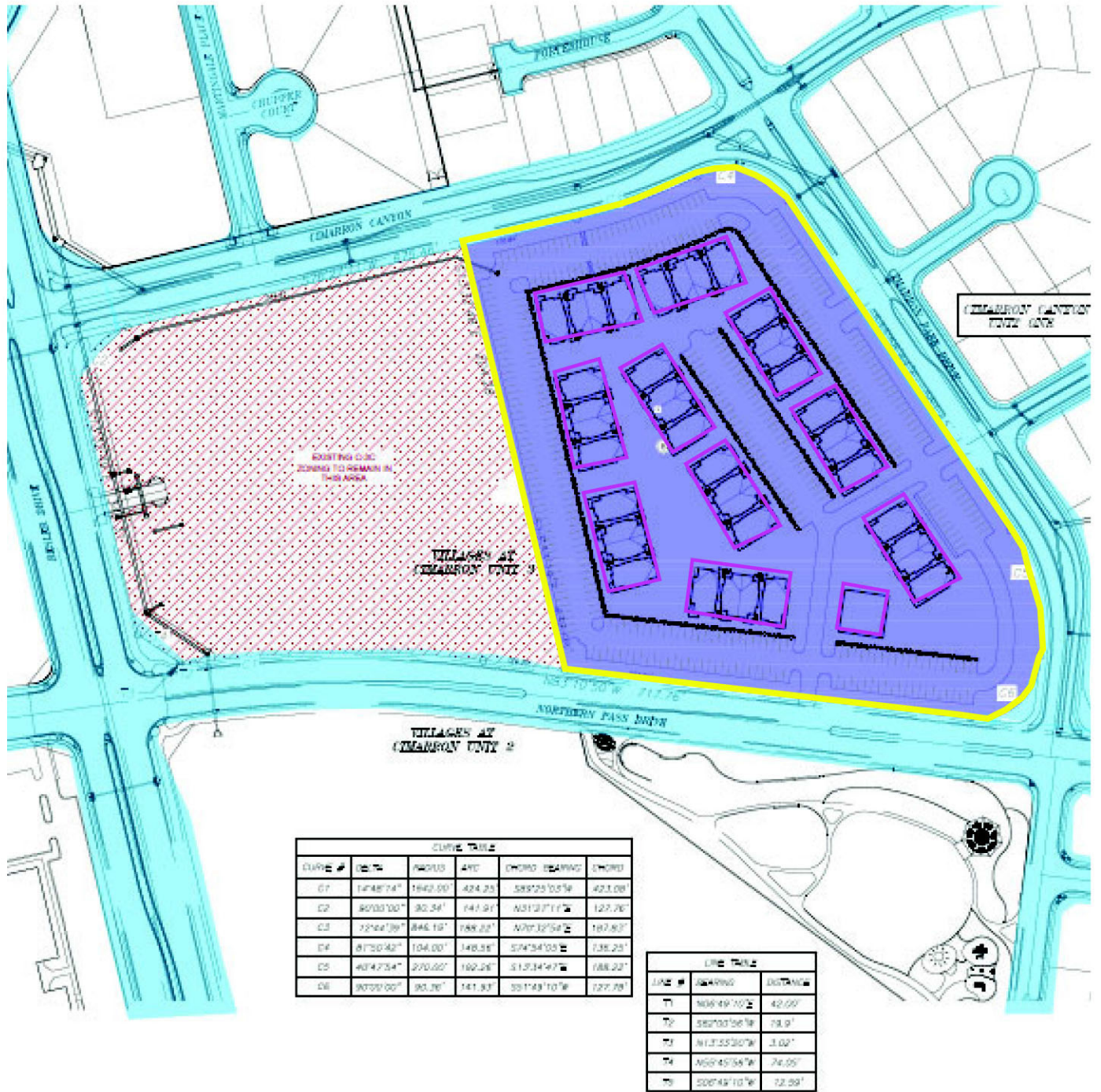
PZR23-00019 & PZR23-00003



 Subject Property

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may reveal features not shown here. The Planning & Inspections Department makes no warranty or representation as to the accuracy or completeness of the data. The Planning & Inspections Department makes no warranty or representation as to the accuracy or completeness of the data. The Planning & Inspections Department makes no warranty or representation as to the accuracy or completeness of the data.

ATTACHMENT 2



ATTACHMENT 3

LY

ORDINANCE NO. 15672

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 2: A PORTION OF NELLIE D. MUNDY SURVEY NO. 241, NELLIE D. MUNDY SURVEY NO. 242 AND W.H. GLENN SURVEY NO. 241, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF S.J. LARKIN SURVEY NO. 264 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 4: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 5: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL), PARCEL 6: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF NELLIE D. MUNDY SURVEY NO. 242 AND S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 10: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE), PARCEL 11: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 12: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), AND PARCEL 13: A PORTION OF S.J. LARKIN SURVEY NO. 266, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

ORDINANCE NO. 15672

1

1/21/2004

Zoning Case No: ZON03-00046

That the zoning of *Parcels 1 - 13*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; as follows:

- Parcel 1: From R-3 (Residential) to C-1 (Commercial)
- Parcel 2: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 3: From R-3 (Residential) to C-1 (Commercial)
- Parcel 4: From R-3 (Residential) to R-3A (Residential)
- Parcel 5: From R-3 (Residential) to C-1 (Commercial)
- Parcel 6: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 7: From R-3 (Residential) to R-3A/c (Residential/conditions)
- Parcel 8: From R-3 (Residential) to R-3A/c (Residential/conditions)
- Parcel 9: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 10: From R-3 (Residential) to A-O (Apartment/Office)
- Parcel 11: From R-3 (Residential) to C-3/c (Commercial/conditions)
- Parcel 12: From R-3 (Residential) to R-3A (Residential)
- Parcel 13: From R-3 (Residential) to R-3A/c (Residential/conditions)

That the properties described as **Parcels 2, 6, 9, and 11** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten-foot (10') wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along the property line where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

That the properties described as **Parcel 7** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

1. *Sixty percent (60%) of the land area within Parcel 7 shall not exceed the gross density of the R-3 (Residential) zoning district. The sixty percent (60%) shall be calculated based on the entire acreage within each subdivision plat recorded within this parcel, and shall only count toward the sixty percent (60%) required if the gross density for the subdivision plat does not exceed 7.26 units to the gross acre. Should the gross density exceed 7.26 units per acre, the entire acreage represented within the subdivision plat shall not count toward the sixty percent (60%) requirement stated herein.*
2. *For lots within subdivision plats meeting the density requirements of Condition No. 1, the minimum front yard setback shall be at least twenty-five (25) feet.*

That the properties described as **Parcels 8 and 13** be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning **from R-3 (Residential) to R-3A (Residential)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

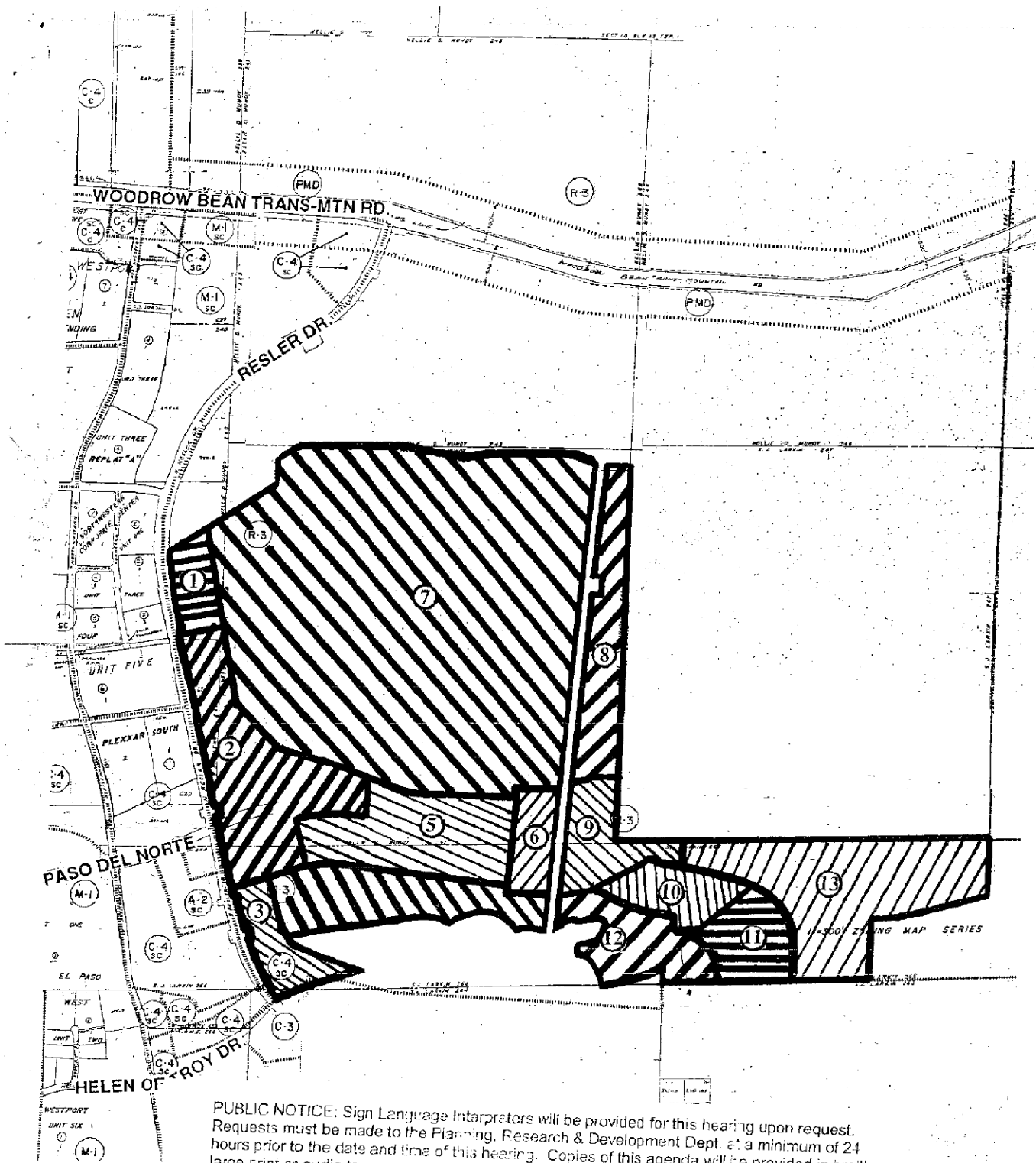
The land area within these parcels shall not exceed the gross density of the R-3 (Residential) zoning district.

These conditions shall run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this Ordinance.

PASSED AND APPROVED this 20th day of **January, 2004**.

(signatures on the next page)

ORDINANCE NO. 15672 ³ 1/21/2004
Zoning Case No: ZON03-00046



PUBLIC NOTICE: Sign Language Interpreters will be provided for this hearing upon request. Requests must be made to the Planning, Research & Development Dept. at a minimum of 24 hours prior to the date and time of this hearing. Copies of this agenda will be provided in braille, large print or audio tape upon request. Requests must be made a minimum of 48 hours prior to the date and time of this hearing at either of the following numbers, 541-4634 or 4903.

↑	SCALE	GENERAL LOCATION MAP	CASE NUMBER
NORTH	not to scale		ZON03-00046

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommends approval with a condition of rezoning request. The condition is the following:

1. Park requirements shall be reassessed and complied with prior to issuance of building permits.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. 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 – Land Development

Recommend approval, no objections to the proposed rezoning.

A portion of the property area will be in Flood zone according to the future FEMA maps.

Fire Department

Recommend approval, no adverse comments.

Police Department

No comments received.

Environment Services

No comments received.

Parks & Recreation Department

If the proposed rezoning is approved parks fees would need to be assessed according with applicable conditions.

For a residential use:

- If applicant propose less than 200 multi-family dwelling units, applicant would need to pay \$680 per dwelling unit. Covenants would need to be provided restricting the number of units and the type of unit.
- If applicant propose more than 200 multi-family dwelling units, subdivision would need to dedicate 1 acre of parkland per every 200 units. Also, covenants would need to be provided restricting the number and type of unit.

For non-residential use:

- Covenants need to be provided prohibiting any residential use.
- Applicant would need to be paid \$1,000 per acre

Note: Comments addressed through condition recommendation

Streets and Maintenance Department

No objections to rezoning.

Streets and Maintenance Traffic Engineering has granted a waiver for the TIA.

Sun Metro

No comments received.

El Paso Water

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

The subject property is located within the Westside Impact Fee Service Area. Impact fees will be assessed and collected at the time the El Paso Water Utilities receive an application for water and sanitary sewer services.

EPWU-PSB Comments

There is an existing 12-inch diameter water main along Cimarron Canyon Drive. This main is available for service.

There is an existing 12-inch diameter water main along Cimarron Park Drive. This main is available for service.

There is an existing 12-inch diameter water main along Northern Pass Drive. This main is available for service.

There is an existing 30-inch diameter water main that extends along Northern Pass Drive. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure from fire hydrant #11668 located on Cimarron Canyon Dr. approximately 412-feet east of the Resler Drive and Cimarron Canyon Drive intersection, has yielded a static pressure of 124 psi, a residual pressure of 110 psi, and a discharge of 1,404 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 Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main along Cimarron Canyon Drive. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main along Cimarron Park Drive between Cimarron Canyon and Smugglers Gulch Ct. This main is available for service.

There is an existing 12-inch diameter sanitary sewer main along Cimarron Park Drive. This sanitary sewer between Northern Pass Drive and Wooden Nickel Drive. This main is available for service.

There is an existing 8-inch diameter water main along Northern Pass Drive. This main is available for service.

General

EPWater requires a new service application to provide additional 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:

Recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

Texas Department of Transportation

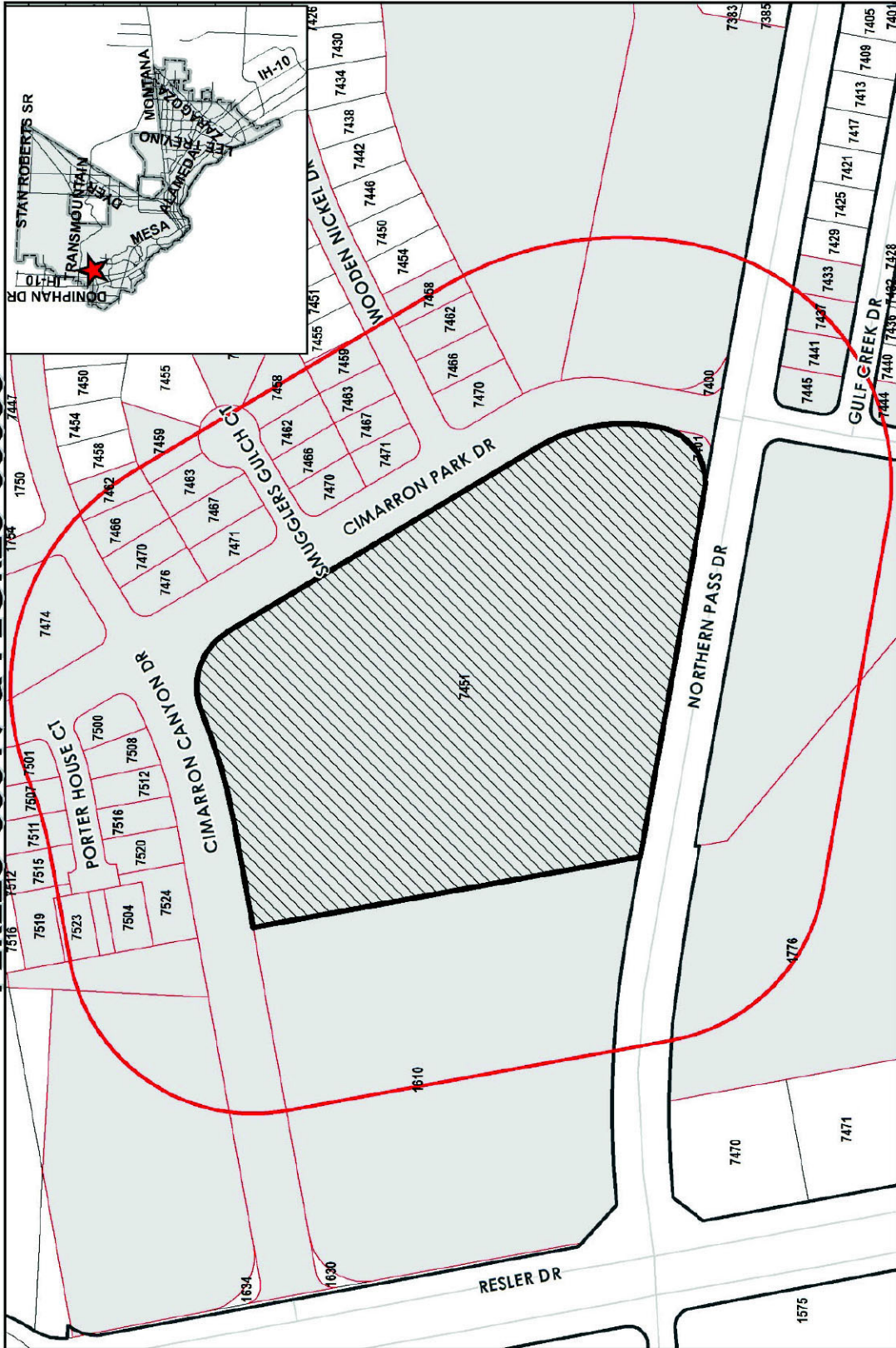
No comments received.

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 5

PZR23-00019 & PZCR23-00003



-  Subject Property
-  Property within 300 Feet
-  300 Feet Buffer



This map is designed for illustrative purposes only. The features shown on this map are based on the best available data and may be subject to change without notice. The Planning & Inspections Department makes no claim to its accuracy or completeness.