

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

AGENDA DATE: October 10, 2023
PUBLIC HEARING DATE: November 7, 2023

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nina Rodriguez, (915) 212-1561

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 amending a condition placed on Parcel 1 by ordinance No. 15672 which changed the zoning of a 4.32-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso, County, Texas, and which imposed a condition, and releasing all conditions placed on Parcel 2 by ordinance No. 15708 which changed the zoning of a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas, and which imposed a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition amendment and release meet 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: North of Cimarron Canyon Dr. and East of Resler Dr.
Applicant: CSA Design Group, Inc., PZCR23-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to amend the condition imposed by Ordinance No. 15672 on Parcel 1 and to release the condition imposed by Ordinance No. 15708 on Parcel 2 to allow for appropriate development of the property into single-family residential and commercial developments. City Plan Commission recommended 5-0 to approve the proposed condition amendment and release request on June 15, 2023. As of September 26, 2023, the Planning Division has received one (1) email in opposition and three (3) phone calls in support to the condition amendment and release request. This application is running concurrently with rezoning application PZRZ23-00002. 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? YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE AMENDING A CONDITION PLACED ON PARCEL 1 BY ORDINANCE NO. 15672 WHICH CHANGED THE ZONING OF A 4.32-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION, AND RELEASING ALL CONDITIONS PLACED ON PARCEL 2 BY ORDINANCE NO. 15708 WHICH CHANGED THE ZONING OF A 0.194-ACRE PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND WHICH IMPOSED A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of Parcel 1 described as *a 4.232-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 15672 approved by City Council on January 20, 2004; and,

WHEREAS, the zoning of Parcel 2 described as *a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, City of El Paso, El Paso County, Texas*, was changed by Ordinance No. 15708 approved by City Council on March 2, 2004; and,

WHEREAS, placement of such conditions was necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting a condition amendment and the removal of all conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions and approval of the amendment; and,

WHEREAS, the City Council of the City of El Paso has determined that the release and amendment of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

1. That all of the zoning conditions imposed by Ordinance No. 15672 approved by City Council on January 20, 2004, on Parcel 1 identified in **Exhibit "A"** be amended to read as follows:

The portion of Parcel 1 that will remain commercial zoned shall provide 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 or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas; and,

2. That all of the zoning conditions imposed by Ordinance No. 15708 approved by City Council on March 2, 2004, on Parcel 2 identified in **Exhibit "B"** be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the City Code.

Conditions as follows:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting el paso natural gas company right - of -way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the chapter 20.65 of the El Paso City Code and shall be required prior to the issuance of any building permits.

ADOPTED this _____ day of _____, 20____.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Senior Assistant City Attorney

APPROVED AS TO CONTENT:

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

EXHIBIT "A"

Property description: A 4.232-acre portion of Tract 1B2, Nellie D. Mundy Survey 242, Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 4.232-acre portion of Tract 1B2, Nellie D. Mundy Survey 242 (September 10, 1949, Book 945, Page 411, Deed Records, El Paso County, Texas), Tract 62E2, W.H. Glenn Survey 241 and Tract 4G2, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the common most westerly corner of Cimarron Canyon Unit One (Clerk's File No. 20180052184, Plat Records, El Paso County, Texas) and Cimarron Canyon Unit Two (Clerk's File No. 20220003665, Plat Records, El Paso County, Texas); Thence, South 13°32'48" East, along the westerly boundary of Cimarron Canyon Unit One, a distance of 506.07 feet to the **POINT OF BEGINNING** of this description;

THENCE, South 13°32'48" East, continuing along said boundary, a distance of 312.83 feet to the north right-of-way of Cimarron Canyon Drive (varied-width right-of-way; Cimarron Canyon Unit One)

THENCE, South 76°27'12" West, along said right-of-way, a distance of 504.58 feet the the northerly boundary of Lot 1, Block 15, Cimarron Canyon Unit One;

THENCE, 141.95 feet continuing along said boundary and along the arc of a curve to the right, having a radius of 90.37 feet, a central angle of 89°59'59", and a chord which bears North 58°32'48" West, a distance of 127.80 feet to the east right-of-way of Resler Drive (varied width right-of-way; January 8, 2002, Book 4158, Page 910, Deed Records, El Paso County, Texas);

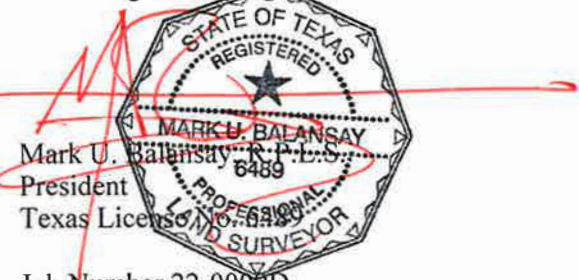
THENCE, North 13°32'48" West, along said right-of-way, a distance of 222.38 feet to the southerly boundary of that certain parcel of land described January 20, 2004, in Book 4825, Page 1944, Deed Records, El Paso County, Texas;

THENCE, North 76°26'41" East, along said boundary, a distance of 594.95 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 4.232 acres (184,343 square feet) of land more or less.

NOTE: THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors
Texas Reg. Surveying Firm 10060500



Mark U. Balansay, P.L.S.
President
Texas License No. 6489
Job Number 22-0009D
April 27, 2023

EXHIBIT "A"

CURVE TABLE					
CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	89°59'59"	90.37	141.95'	N58°32'48"W	127.80'

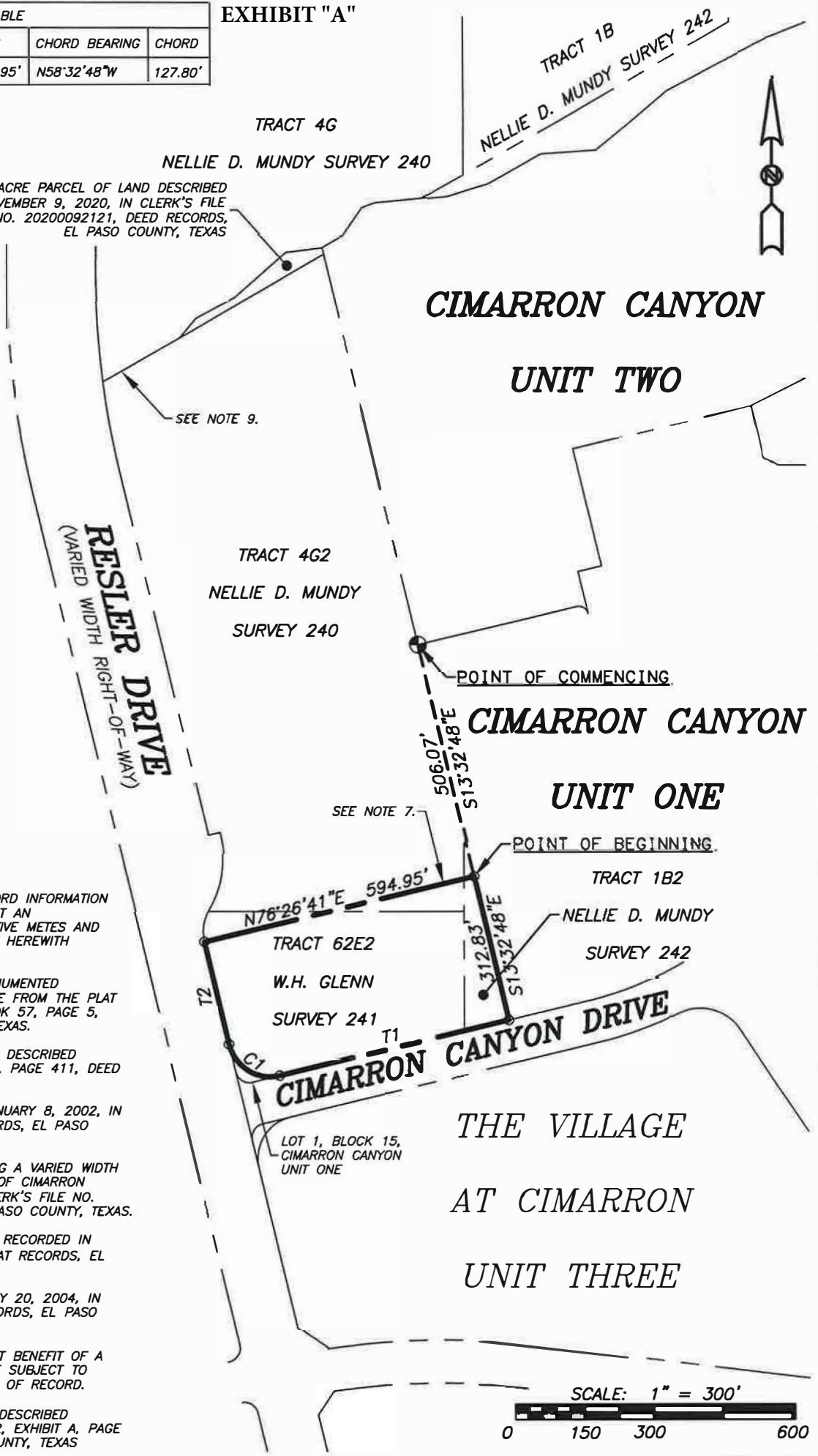
0.194-ACRE PARCEL OF LAND DESCRIBED NOVEMBER 9, 2020, IN CLERK'S FILE NO. 20200092121, DEED RECORDS, EL PASO COUNTY, TEXAS

PARCEL AREA
4.232 ACRES
184,343 SQ. FT.

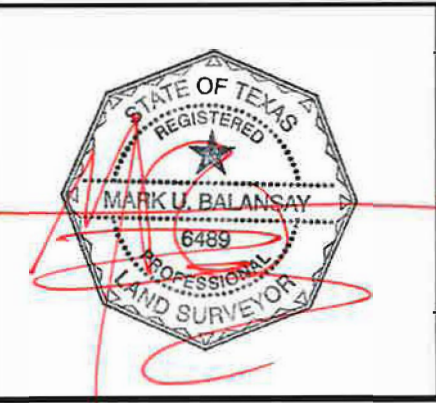
LINE TABLE		
LINE #	BEARING	DISTANCE
T1	S76°27'12"W	504.58'
T2	N13°32'48"W	222.38'

NOTE:

1. THIS SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
2. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
3. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
4. RESLER DRIVE IS DESCRIBED JANUARY 8, 2002, IN BOOK 415B, PAGE 910, DEED RECORDS, EL PASO COUNTY, TEXAS.
5. CIMARRON CANYON DRIVE, HAVING A VARIED WIDTH RIGHT-OF-WAY, IS FROM THE PLAT OF CIMARRON CANYON UNIT ONE RECORDED IN CLERK'S FILE NO. 20180052184, PLAT RECORDS, EL PASO COUNTY, TEXAS.
6. CIMARRON CANYON UNIT TWO IS RECORDED IN CLERK'S FILE NO. 20220003665, PLAT RECORDS, EL PASO COUNTY, TEXAS.
7. THIS LINE IS DESCRIBED JANUARY 20, 2004, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS (PARCEL 1).
8. THIS SURVEY WAS MADE WITHOUT BENEFIT OF A CURRENT TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OR OTHER RESTRICTIONS OF RECORD.
9. THIS LINE (DEED: N60°06'08"E) DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, EXHIBIT A, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928



A 4.232-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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DATE: 04-27-23
SCALE: 1" = 300'
DRAWN BY: MUB
CHK'D BY: MUB
FB: ~
FILE #: 22-0009D
REVISED:

EXHIBIT "B"

Property description: A 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a 0.194-acre portion of Tract 4G, Nellie D. Mundy Survey 240, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

COMMENCING at the most northerly corner of Lot 37, Block 1, Cimarron Canyon Unit One (Clerk's File No. 20180052184, Plat Records, El Paso County, Texas), said point being on the northerly boundary of Cimarron Canyon Unit One; Thence, South $76^{\circ}27'11''$ West, along said boundary, a distance of 348.10 feet to the easterly boundary of that certain parcel of land described January 20, 2014, in Book 4825, Page 1944, Deed Records, El Paso County, Texas; Thence, North $13^{\circ}32'48''$ West, along said boundary, a distance of 853.44 feet to the northerly boundary of that certain parcel of land described December 15, 2000, in Book 3902, Page 2012, Deed Records, El Paso County, Texas, for the **POINT OF BEGINNING** of this description;

THENCE, South $60^{\circ}08'16''$ West (deed: South $60^{\circ}06'08''$ West), along said boundary, a distance of 358.26 feet;

THENCE, North $40^{\circ}25'25''$ East, a distance of 54.96 feet;

THENCE, North $62^{\circ}04'57''$ East, a distance of 93.91 feet;

THENCE, North $48^{\circ}53'58''$ East, a distance of 147.14 feet;

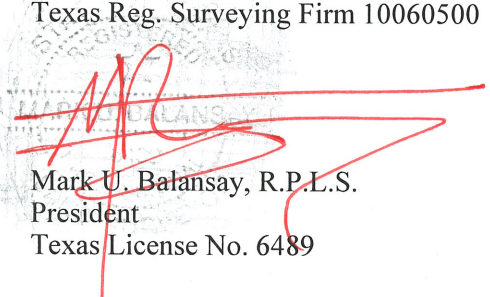
THENCE, North $82^{\circ}38'32''$ East, a distance of 78.42 feet;

THENCE, South $13^{\circ}32'48''$ East, a distance of 14.60 feet to the **POINT OF BEGINNING** of this description.

Said parcel of land contains 0.194 acres (8,429 square feet) of land more or less.

NOTE: A PLAT OF EVEN DATE HERewith ACCOMPANIES THIS DESCRIPTION. THIS DESCRIPTION IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY.

ROBERT SEIPEL ASSOCIATES, INC.
Professional Land Surveyors
Texas Reg. Surveying Firm 10060500



Mark U. Balansay, R.P.L.S.
President
Texas License No. 6489

Job Number 20-0009B
July 20, 2020

EXHIBIT "B"

TRACT 2E

NELLIE D. MUNDY SURVEY 240

LINE TABLE		
LINE #	BEARING	DISTANCE
T1	N40°25'25"E	54.96'
T2	N62°04'57"E	93.91'
T3	N48°53'58"E	147.14'
T4	N82°38'32"E	78.42'
T5	S13°32'48"E	14.60'

PARCEL AREA
0.194 ACRES
8,429 SQ. FT.

TRACT 1B

NELLIE D. MUNDY SURVEY 242

TRACT 4G

NELLIE D. MUNDY SURVEY 240

TRACT 1B2

NELLIE D. MUNDY SURVEY 242

RESLER DRIVE

TRACT 4G2
NELLIE D. MUNDY SURVEY 240

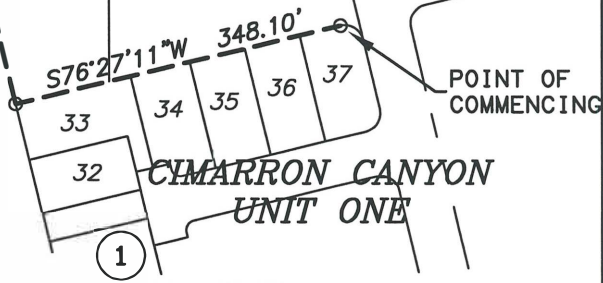
POINT OF BEGINNING

EASTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED JANUARY 20, 2014, IN BOOK 4825, PAGE 1944, DEED RECORDS, EL PASO COUNTY, TEXAS

NOTE:

1. BASIS OF BEARINGS IS THE MONUMENTED CENTERLINE OF NORTHWESTERN DRIVE FROM THE PLAT OF EL PASO WEST UNIT ONE IN BOOK 57, PAGE 5, PLAT RECORDS, EL PASO COUNTY, TEXAS.
2. NELLIE D. MUNDY SURVEY 242 IS DESCRIBED SEPTEMBER 10, 1949, IN BOOK 945, PAGE 411, DEED RECORDS, EL PASO COUNTY, TEXAS.
3. THIS PLAT OF SURVEY IS BASED ON RECORD INFORMATION AND IS NOT INTENDED TO REPRESENT AN ON-THE-GROUND SURVEY. A NARRATIVE METES AND BOUNDS DESCRIPTION OF EVEN DATE HEREWITH ACCOMPANIES THIS PLAT.
4. CIMARRON CANYON UNIT ONE IS RECORDED IN CLERK'S FILE NO. 20180052184, PLAT RECORDS, EL PASO COUNTY, TEXAS.
5. THE SOUTH 1/2 OF NELLIE D. MUNDY SURVEY 240 IS DESCRIBED DECEMBER 4, 1943, IN BOOK 727, PAGE 353, DEED RECORDS, EL PASO COUNTY, TEXAS.
6. THE SOUTHERLY BOUNDARY LINE OF THE SUBJECT PROPERTY IS DESCRIBED DECEMBER 15, 2000, IN BOOK 3902, PAGE 2012, DEED RECORDS, EL PASO COUNTY, TEXAS.

SCALE: 1" = 200'



ROBERT SEIPEL ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

1845 NORTHWESTERN DR. SUITE C EL PASO, TX 79912 915-877-1928

A 0.194-ACRE PORTION OF TRACT 4G,
NELLIE D. MUNDY SURVEY 240,
EL PASO, EL PASO COUNTY, TEXAS.

TEXAS REG. SURVEYING FIRM 10060500

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DATE: 07-20-20
SCALE: 1" = 200'
DRAWN BY: MUB
CHK'D BY:
FB: CC2 #1
FILE #: 20-0009B
REVISED:

Cimarron Canyon and Resler



City Plan Commission — June 15, 2023 **(REVISED)**

CASE NUMBER:	PZCR23-00002
CASE MANAGER:	Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER:	Cimarron Hunt Communities, LLC
REPRESENTATIVE:	CSA Design Group, Inc.
LOCATION:	North of Cimarron Canyon Dr. and East of Resler Dr.
PROPERTY AREA:	Parcel 1: 4.23 acres Parcel 2: 0.19 acres
REQUEST:	Parcel 1: Amend condition imposed by Ordinance No. 15672 Parcel 2: Release condition imposed by Ordinance No. 15708
RELATED APPLICATIONS:	PZR23-00002 Resler and Cimarron Canyon (Rezoning)
PUBLIC INPUT:	One (1) email in opposition and three (3) phone calls in support received as of August 10, 2023

SUMMARY OF REQUEST: The applicant is requesting to amend the condition imposed by Ordinance No. 15672 on Parcel 1 and to release the condition imposed by Ordinance No. 15708 on Parcel 2.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the proposed condition amendment and release have been deemed necessary for appropriate development of the property and align with the intent of the policies of the G7, Industrial and/or Railyards and G-4, Suburban (Walkable) future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan. The amended condition shall read as follows:

The portion of Parcel 1 that will remain commercial zoned shall provide 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 or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.

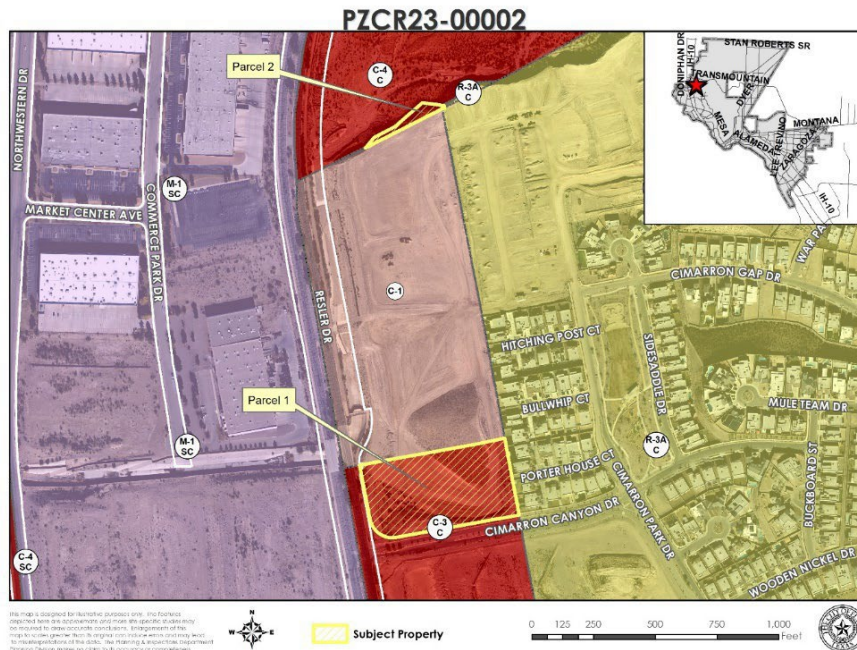


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to **amend** the condition imposed on Parcel 1 of the subject property by Ordinance No. 15627, dated January 20, 2004 to allow for appropriate development of the property into single-family residential and commercial developments. The applicant is also requesting to release the condition imposed by Ordinance No. 15708 on Parcel 2 to allow for development of single-family residential lots in a uniform manner among surrounding properties proposed to be rezoned to R-3A (Residential). Parcel 1 consists of 4.23 acres and Parcel 2 consists of 0.19 acres, for a combined total of 4.42 acres. Main access to Parcel 1 is provided from Cimarron Canyon Drive, and access to Parcel 2 is provided from Caveson Court.

PREVIOUS CASE HISTORY: On February 23, 2023, a major combination subdivision application (SUSU23-00009) for Cimarron Canyon Unit 8 was approved by the City Plan Commission with condition that the rezoning be approved prior to recordation.

On January 20, 2004, Parcel 1 (as part of a larger property) was rezoned to C-3/c (Commercial/conditions), and the following condition was imposed via Ordinance No. 15672 (**Attachment 4**) to read:

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.

Note: The applicant is requesting to **amend condition to read:**

The portion of Parcel 1 that will remain commercial zoned shall provide 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 or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.

On March 2, 2004, Parcel 2 (as part of a larger property) was rezoned to C-4/c (Commercial/conditions), and the following condition was imposed via Ordinance No. 15708 (**Attachment 5**):

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

Note: The applicant is requesting to release condition.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed uses of permitted commercial developments and single-family residential developments are compatible with surrounding development. The adjacent properties north of Parcel 1 are proposed to be rezoned to C-3 (Commercial) and R-3A (Residential) (currently zoned C-1 (Commercial)), and to the south is zoned C-3/c (Commercial/conditions), which are vacant lots. East of Parcel 1, adjacent properties are zoned R-3A/c (Residential/conditions) and consist of single-family residential lots, while the property to the west is zoned M-1/sc (Light Manufacturing/special contract) and consist of vacant land. Access to Parcel 1 is provided from Cimarron Canyon Drive, which is designated as a local street, per El Paso's Major Thoroughfare Plan. The closest school for Parcel 1, Silvestre and Carolina Reyes Elementary School is located 0.74 miles from the subject property and the closest park, Cimarron Canyon Unit 1 Park is located 0.08 miles from the subject property.

Adjacent property north of Parcel 2 is zoned C-4/c (Commercial/conditions), and the properties to the east are zoned C-4/c (Commercial/conditions) and R-3A/c (Residential/conditions) and are vacant lots. The properties south of Parcel 2 are proposed to be rezoned to R-3A (Residential) (currently zoned C-1 (Commercial)) and are all vacant.

West of Parcel 2, property is zoned M-1/sc (Light Manufacturing/special contract) and consist of a warehouse. Parcel 2 does not have direct access. The closest school to Parcel 2, Silvestre & Carolina Reyes Elementary School is approximately 1.05 miles from the subject property and the closest park, Cimarron Canyon Unit 1 Park is located approximately 0.26 miles from the subject property.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed condition release of Parcel 1, and condition release of Parcel 2 is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (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>G7, Industrial and/or Railyards This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The release and amendment of conditions are necessary for the subject properties as they currently are being rezoned to match adjacent properties and zoning districts. Parcel 1 is proposed to be developed for residential and permitted commercial uses and Parcel 2 is proposed to be developed for residential use, which align with the intent of the future land use designations of <i>Plan El Paso</i>. The proposed uses of Parcels 1 and 2 align with the G-4, Suburban (Walkable) land use designation, while exemplifying the potential for mixed use development of the G7, Industrial and/or Railyards land use designation.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-3 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p> <p>R-3A (Residential): The purpose of these districts is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The proposed C-3 (Commercial) and R-3A (Residential) zoning districts (per rezoning PZRZ23-00002) are the same as adjacent zoning districts. The proposed residential and commercial developments are in character with the spirit of the C-3 (Commercial) and R-3A (Residential) zoning districts.</p>

Preferred Development Locations: The site for proposed condition release is not located mid-block, resulting in it being the only property on the block with an alternative condition, zoning district, density, use and/or land use.	Yes. The release and amendment of the imposed conditions will allow the properties to be developed in the same nature as adjacent properties as the subject properties are proposed to be rezoned by application PZRZ23-00002.
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COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed condition release is in accordance with Plan El Paso, consider the following factors:	
THE PROPOSED CONDITION AMENDMENT/RELEASE’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. There are no effects created by releasing conditions.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested condition amendment/release.	No adverse effects are anticipated by the condition release of the subject property.
Natural Environment: Anticipated effects on the natural environment.	Parcel 1 and Parcel 2 are located 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.	This area is stable with no rezoning happening in the last 10 years, besides application PZRZ23-00002 running concurrently with this application.
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 provided from Cimarron Canyon Drive, Cimarron Gap Drive, and Caveson Court, which are classified as a local streets per the City’s Major Thoroughfare Plan (MTP). The classification of these roads is appropriate for the proposed development. There is an existing shared use path along Resler Drive and Cimarron Canyon Drive. Additionally, the subject property will need to provide adequate infrastructure at the time of development. The nearest bus stop is from Parcel 1 is located 0.08 miles, and the nearest bus stop from Parcel 2 is located 0.64 miles on Resler Drive.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: Planning staff has reviewed the applicable conditions imposed on the properties and did not find them to be necessary if rezoned per application PZRZ23-00002, with the exception of requesting to leave the condition for a portion of Parcel 1 not being rezoned by conditioning the approval. The conditions being released and the proposed amendment by staff will ensure that the subject properties will be developed effectively mitigating any possible negative impacts or without creating any nuisances on adjacent properties.

PUBLIC COMMENT: The subject property does not lie within any neighborhood associations. Property owners within 300 feet of subject property were notified of the condition amendment/release request on June 2, 2023. As of August 10, 2023, the Planning Division has received one (1) email in opposition and three (3) phone calls in support to the rezoning request.

RELATED APPLICATIONS: Rezoning application PZRZ23-00002 is running concurrently with this application. The rezoning application request is to rezone a portion of Parcel 1 from C-3/c (Commercial) to R-3/A (Residential) and to rezone Parcel 2 from C-4/c (Commercial/conditions) to R-3A (Residential) to allow for single-family residential development.

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:

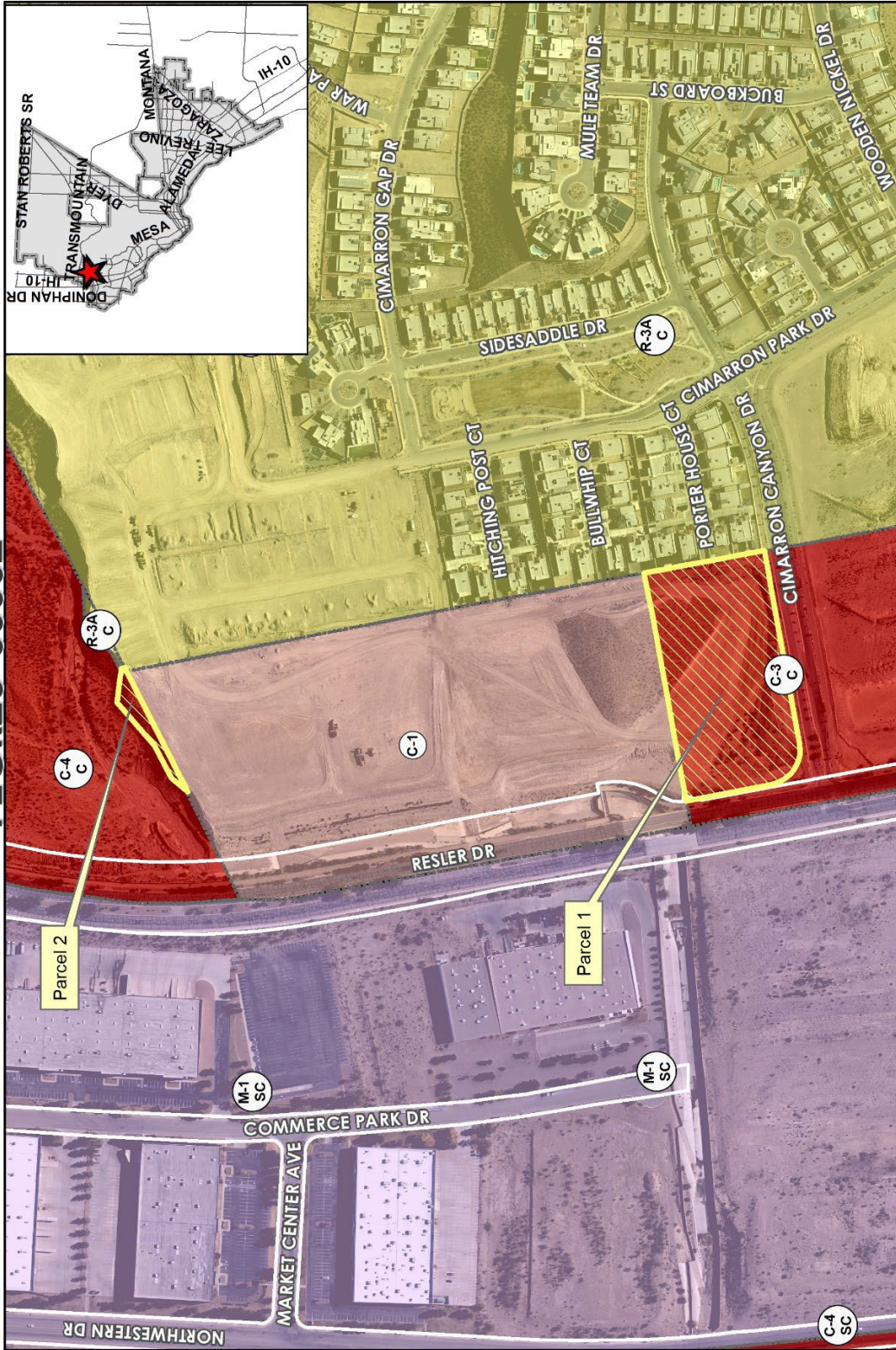
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval 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. Zoning Map
2. Generalized Plot Plan
3. Proposed Plat (for reference purposes only)
4. Ordinance No. 15672, January 20, 2004
5. Ordinance No. 15708, March 2, 2004
6. Department Comments
7. Neighborhood Notification Boundary Map
8. Received opposition

ATTACHMENT 1

PZCR23-00002



 Subject Property



The map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may map to scales greater than its original can indicate errors and may lead to misinterpretations of the data. The Planning & Inspection Department Planning Division makes no claim to its accuracy or completeness.

ATTACHMENT 2

LEGAL DESCRIPTIONS	
PARCEL 1	A 4.232-ACRE PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242, TRACT 62E2, W.H. GLENN SURVEY 241, AND TRACT 4G2, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS
PARCEL 2	A 0.194-ACRE PORTION OF TRACT 4G, NELLIE D. MUNDY SURVEY 240, EL PASO, EL PASO COUNTY, TEXAS

LEGEND	
PARCEL 1	RELEASE 10-FOOT LANDSCAPED BUFFER REQUIREMENT
PARCEL 2	RELEASE 10-FOOT WIDE LANDSCAPED BUFFER AND 25-FOOT SETBACK REQUIREMENT

LOT TABLE		LOT TABLE		LOT TABLE	
LOT NUMBER	SQ FT ACRES	LOT NUMBER	SQ FT ACRES	LOT NUMBER	SQ FT ACRES
LOT 38 Block 19	8174 0.188	LOT 37 Block 20	8480 0.218	LOT 58 Block 20	7300 0.170
LOT 39 Block 19	6490 0.149	LOT 38 Block 20	7300 0.170	LOT 59 Block 20	7605 0.175
LOT 40 Block 19	6490 0.149	LOT 39 Block 20	8015 0.185	LOT 60 Block 20	8310 0.190
LOT 41 Block 19	6490 0.149	LOT 40 Block 20	8015 0.185	LOT 61 Block 20	8615 0.195
LOT 42 Block 19	6490 0.149	LOT 41 Block 20	8015 0.185	LOT 62 Block 20	8920 0.200
LOT 43 Block 19	6490 0.149	LOT 42 Block 20	8015 0.185	LOT 63 Block 20	9225 0.205
LOT 44 Block 19	6490 0.149	LOT 43 Block 20	8015 0.185	LOT 64 Block 20	9530 0.210
LOT 45 Block 19	6490 0.149	LOT 44 Block 20	8015 0.185	LOT 65 Block 20	9835 0.215
LOT 46 Block 19	6490 0.149	LOT 45 Block 20	8015 0.185	LOT 66 Block 20	10140 0.220
LOT 47 Block 19	6490 0.149	LOT 46 Block 20	8015 0.185	LOT 67 Block 20	10445 0.225
LOT 48 Block 19	6490 0.149	LOT 47 Block 20	8015 0.185	LOT 68 Block 20	10750 0.230
LOT 49 Block 19	6490 0.149	LOT 48 Block 20	8015 0.185	LOT 69 Block 20	11055 0.235
LOT 50 Block 19	6490 0.149	LOT 49 Block 20	8015 0.185	LOT 70 Block 20	11360 0.240
LOT 51 Block 19	6490 0.149	LOT 50 Block 20	8015 0.185	LOT 71 Block 20	11665 0.245
LOT 52 Block 19	6490 0.149	LOT 51 Block 20	8015 0.185	LOT 72 Block 20	11970 0.250
LOT 53 Block 19	6490 0.149	LOT 52 Block 20	8015 0.185	LOT 73 Block 20	12275 0.255
LOT 54 Block 19	6490 0.149	LOT 53 Block 20	8015 0.185	LOT 74 Block 20	12580 0.260
LOT 55 Block 19	6490 0.149	LOT 54 Block 20	8015 0.185	LOT 75 Block 20	12885 0.265
LOT 56 Block 19	6490 0.149	LOT 55 Block 20	8015 0.185	LOT 76 Block 20	13190 0.270
LOT 57 Block 19	6490 0.149	LOT 56 Block 20	8015 0.185	LOT 77 Block 20	13495 0.275
LOT 58 Block 19	6490 0.149	LOT 57 Block 20	8015 0.185	LOT 78 Block 20	13800 0.280
LOT 59 Block 19	6490 0.149	LOT 58 Block 20	8015 0.185	LOT 79 Block 20	14105 0.285
LOT 60 Block 19	6490 0.149	LOT 59 Block 20	8015 0.185	LOT 80 Block 20	14410 0.290
LOT 61 Block 19	6490 0.149	LOT 60 Block 20	8015 0.185	LOT 81 Block 20	14715 0.295
LOT 62 Block 19	6490 0.149	LOT 61 Block 20	8015 0.185	LOT 82 Block 20	15020 0.300
LOT 63 Block 19	6490 0.149	LOT 62 Block 20	8015 0.185	LOT 83 Block 20	15325 0.305
LOT 64 Block 19	6490 0.149	LOT 63 Block 20	8015 0.185	LOT 84 Block 20	15630 0.310
LOT 65 Block 19	6490 0.149	LOT 64 Block 20	8015 0.185	LOT 85 Block 20	15935 0.315
LOT 66 Block 19	6490 0.149	LOT 65 Block 20	8015 0.185	LOT 86 Block 20	16240 0.320
LOT 67 Block 19	6490 0.149	LOT 66 Block 20	8015 0.185	LOT 87 Block 20	16545 0.325
LOT 68 Block 19	6490 0.149	LOT 67 Block 20	8015 0.185	LOT 88 Block 20	16850 0.330
LOT 69 Block 19	6490 0.149	LOT 68 Block 20	8015 0.185	LOT 89 Block 20	17155 0.335
LOT 70 Block 19	6490 0.149	LOT 69 Block 20	8015 0.185	LOT 90 Block 20	17460 0.340
LOT 71 Block 19	6490 0.149	LOT 70 Block 20	8015 0.185	LOT 91 Block 20	17765 0.345
LOT 72 Block 19	6490 0.149	LOT 71 Block 20	8015 0.185	LOT 92 Block 20	18070 0.350
LOT 73 Block 19	6490 0.149	LOT 72 Block 20	8015 0.185	LOT 93 Block 20	18375 0.355
LOT 74 Block 19	6490 0.149	LOT 73 Block 20	8015 0.185	LOT 94 Block 20	18680 0.360
LOT 75 Block 19	6490 0.149	LOT 74 Block 20	8015 0.185	LOT 95 Block 20	18985 0.365
LOT 76 Block 19	6490 0.149	LOT 75 Block 20	8015 0.185	LOT 96 Block 20	19290 0.370
LOT 77 Block 19	6490 0.149	LOT 76 Block 20	8015 0.185	LOT 97 Block 20	19595 0.375
LOT 78 Block 19	6490 0.149	LOT 77 Block 20	8015 0.185	LOT 98 Block 20	19900 0.380
LOT 79 Block 19	6490 0.149	LOT 78 Block 20	8015 0.185	LOT 99 Block 20	20205 0.385
LOT 80 Block 19	6490 0.149	LOT 79 Block 20	8015 0.185	LOT 100 Block 20	20510 0.390

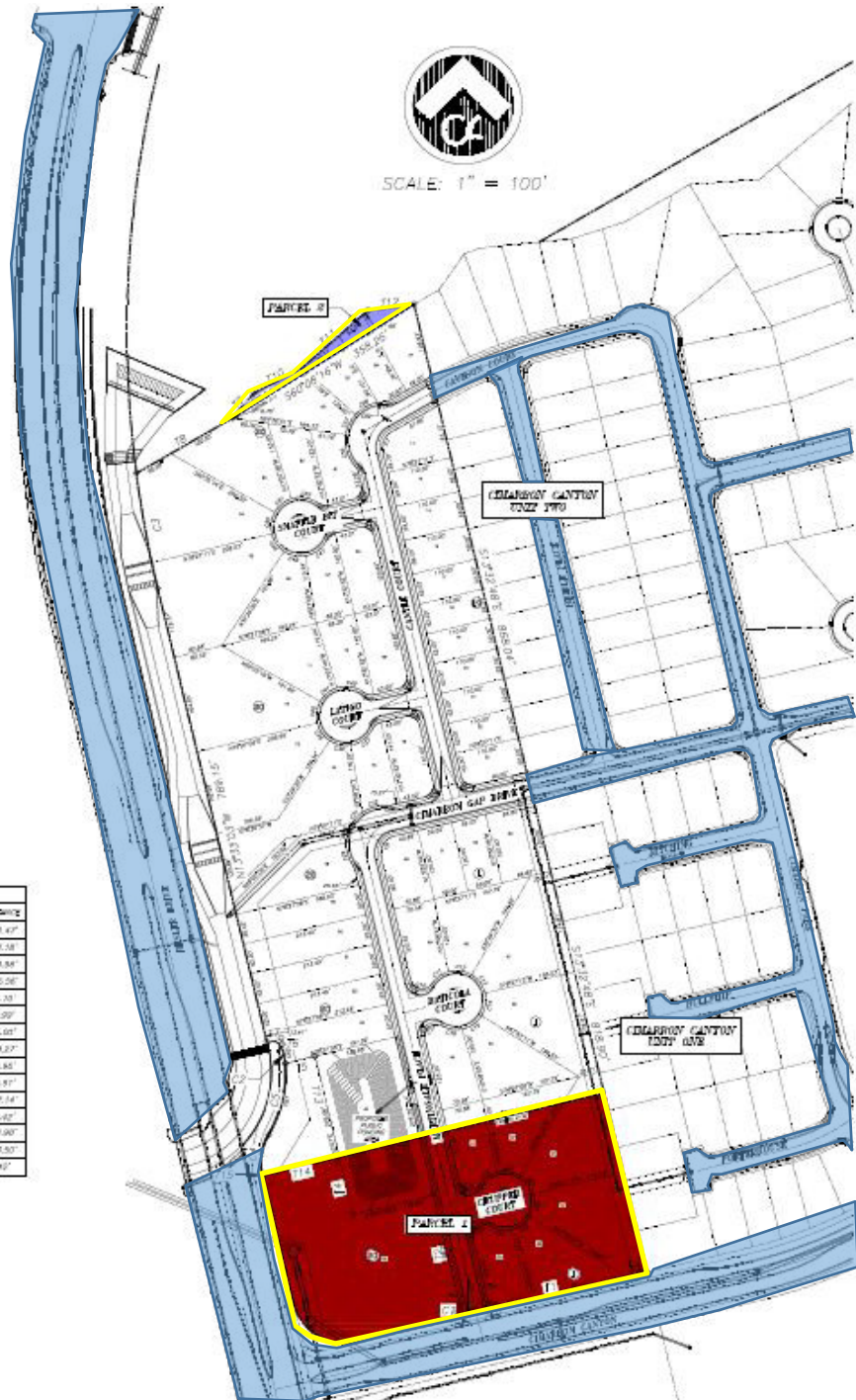
CURVE TABLE					
CURVE #	DATA	BEARS	ARC	CHORD	CHORD
01	44°50'04"	20.00	21.42	43.977103	26.28'
02	30°01'17"	20.00	22.74	43.977103	26.28'
03	40°41'26"	40.00	79.67	163.953576	98.20'
04	44°50'04"	40.00	79.67	163.953576	98.20'
05	30°01'17"	20.00	22.74	43.977103	26.28'

CURVE TABLE		
CURVE #	BEARS	CHORD
01	20.00	21.42
02	20.00	22.74
03	40.00	79.67
04	40.00	79.67
05	20.00	22.74



GENERALIZED PLOT PLAN

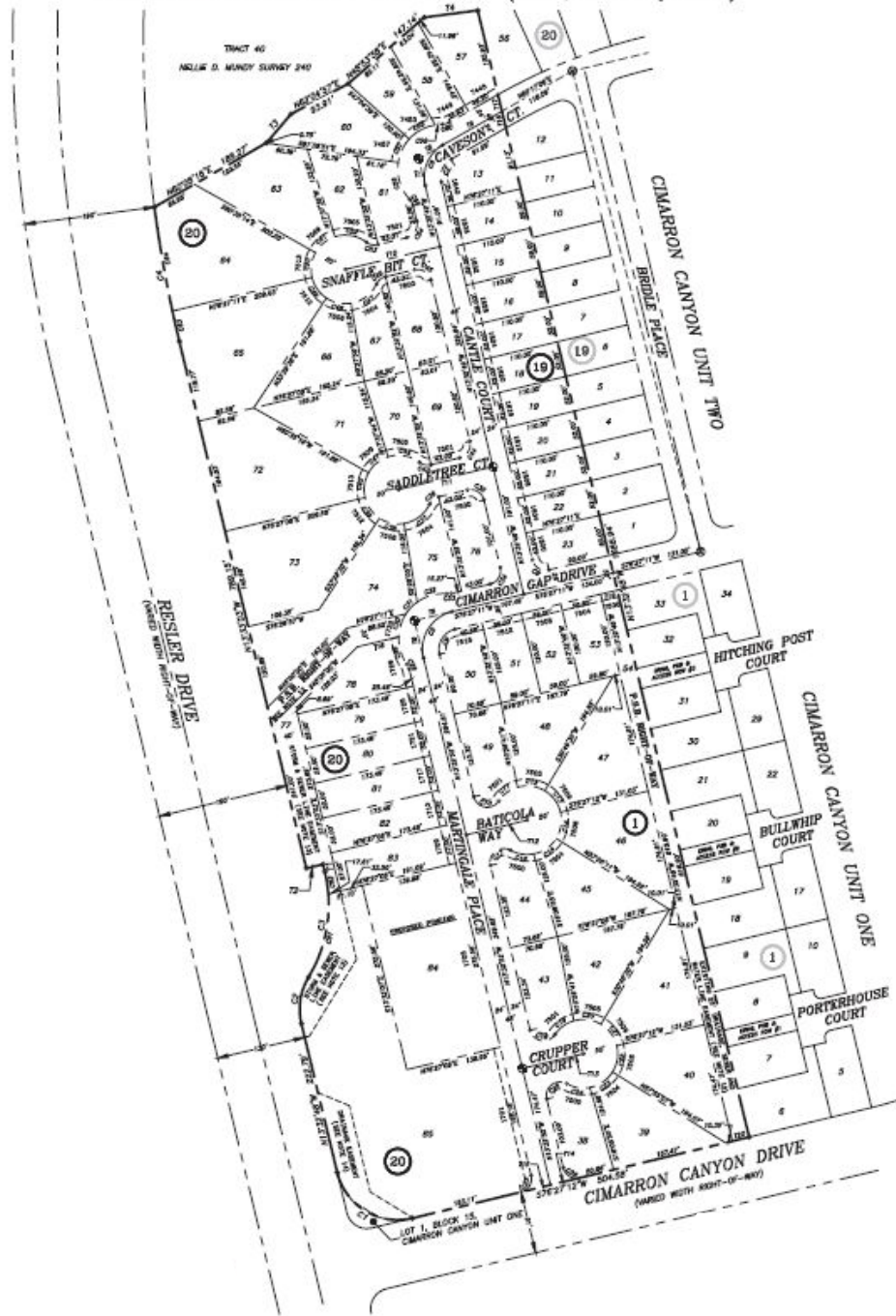
D W N O



ATTACHMENT 3

CIMARRON CANYON UNIT EIGHT

BEING A PORTION OF TRACT 1B2, NELLIE D. MUNDY SURVEY 242,
TRACT 62E2, W.H. GLENN SURVEY 241 AND TRACT 4G, NELLIE D.
MUNDY SURVEY 240, CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING 20.194 ± ACRES (879,631 SQ. FT.)



ATTACHMENT 4

18

ORDINANCE NO. 15872

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. 15872

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)

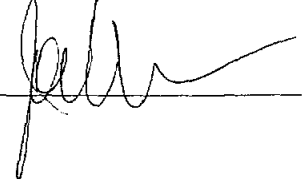
ORDINANCE NO. 15672

3

1/21/2004


Zoning Case No: ZON03-00046

THE CITY OF EL PASO



Joe Wardy
Mayor

ATTEST:

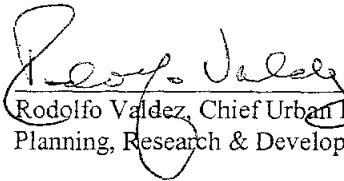


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



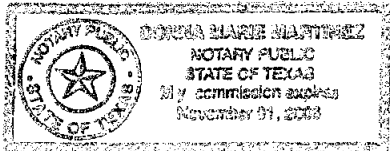
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

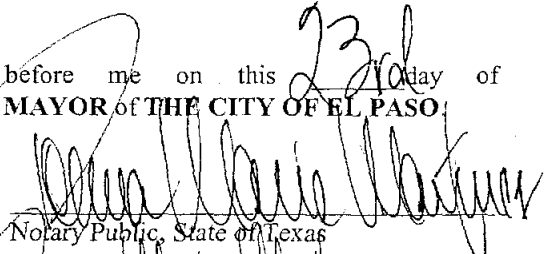
Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 23rd day of January, 2004, by **JOE WARDY**, as **MAYOR** of **THE CITY OF EL PASO**.

My Commission Expires:

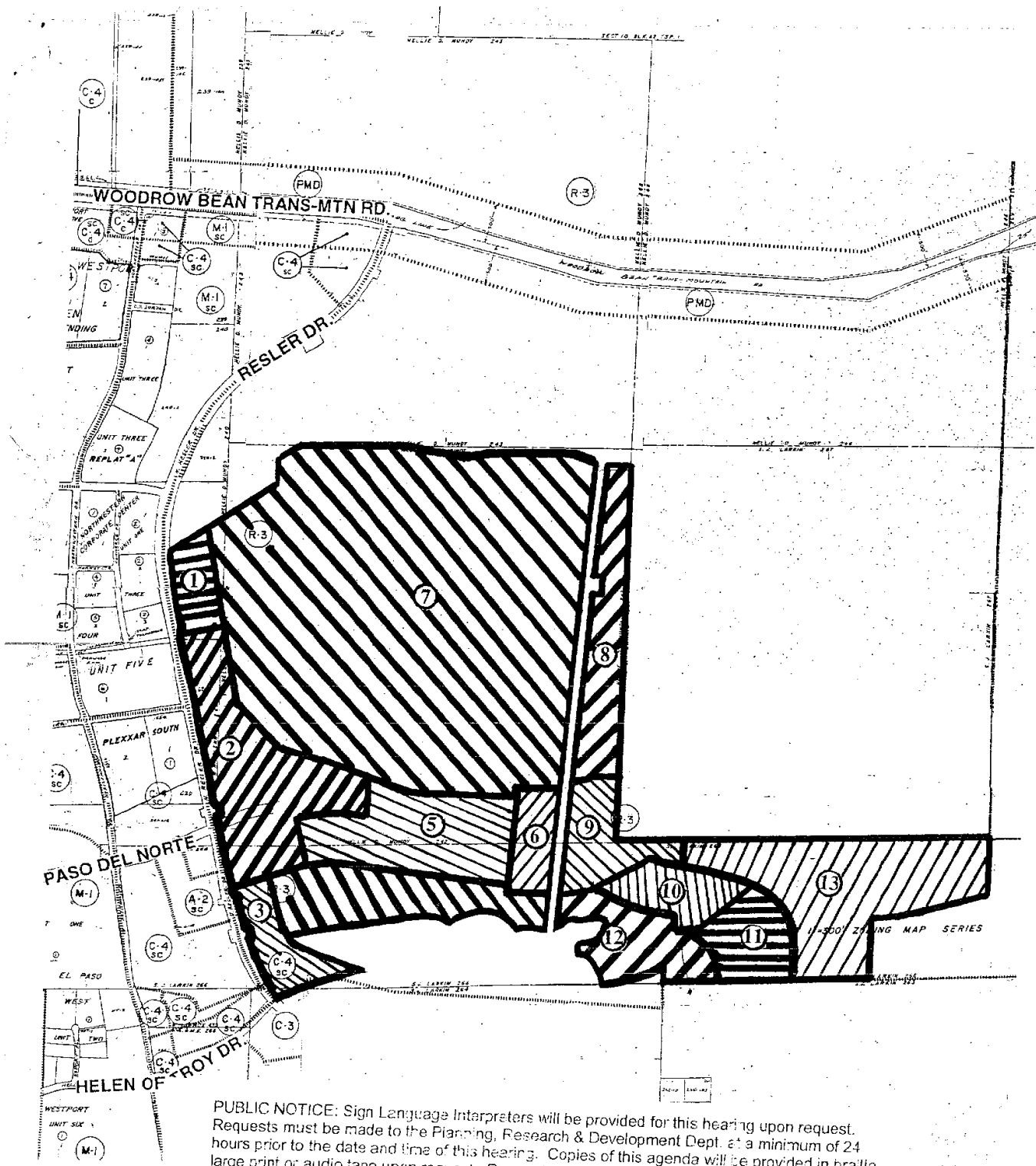




Notary Public, State of Texas
Notary's Printed or Typed Name:

ORDINANCE NO. 15672

⁴ 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 5

300

ORDINANCE NO. 15708

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING 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:

That the zoning of *Parcels 1 - 9*, 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:

ORDINANCE NO. 15708

1

3/30/2004

Zoning Case No: ZON03-00047

That the properties described as **Parcel 5** 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 **M-1 (Light Manufacturing)** to **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as **Parcels 4 and 8** 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 **PMD (Planned Mountain Development)** to **C-3 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

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 **C-4 (Commercial)** in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

15708

3

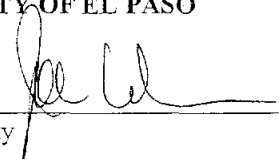
3/30/2004

ORDINANCE NO. _____

Zoning Case No: ZON03-00047


PASSED AND APPROVED this 2nd day of March, 2004.

THE CITY OF EL PASO




Joe Wardy
Mayor

ATTEST:

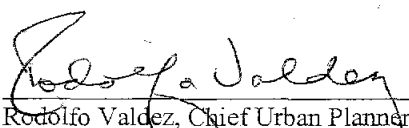


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:



Fred Lopez, Zoning Coordinator
Planning, Research & Development



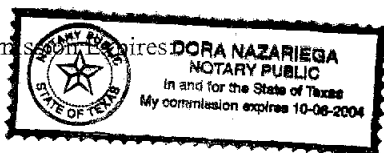
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development


Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 12th day of April, 2004, by **JOE WARDY** as **MAYOR** of **THE CITY OF EL PASO**.

My Commission Expires





Notary Public, State of Texas

Notary's Printed or Typed Name:

Dora Nazariega

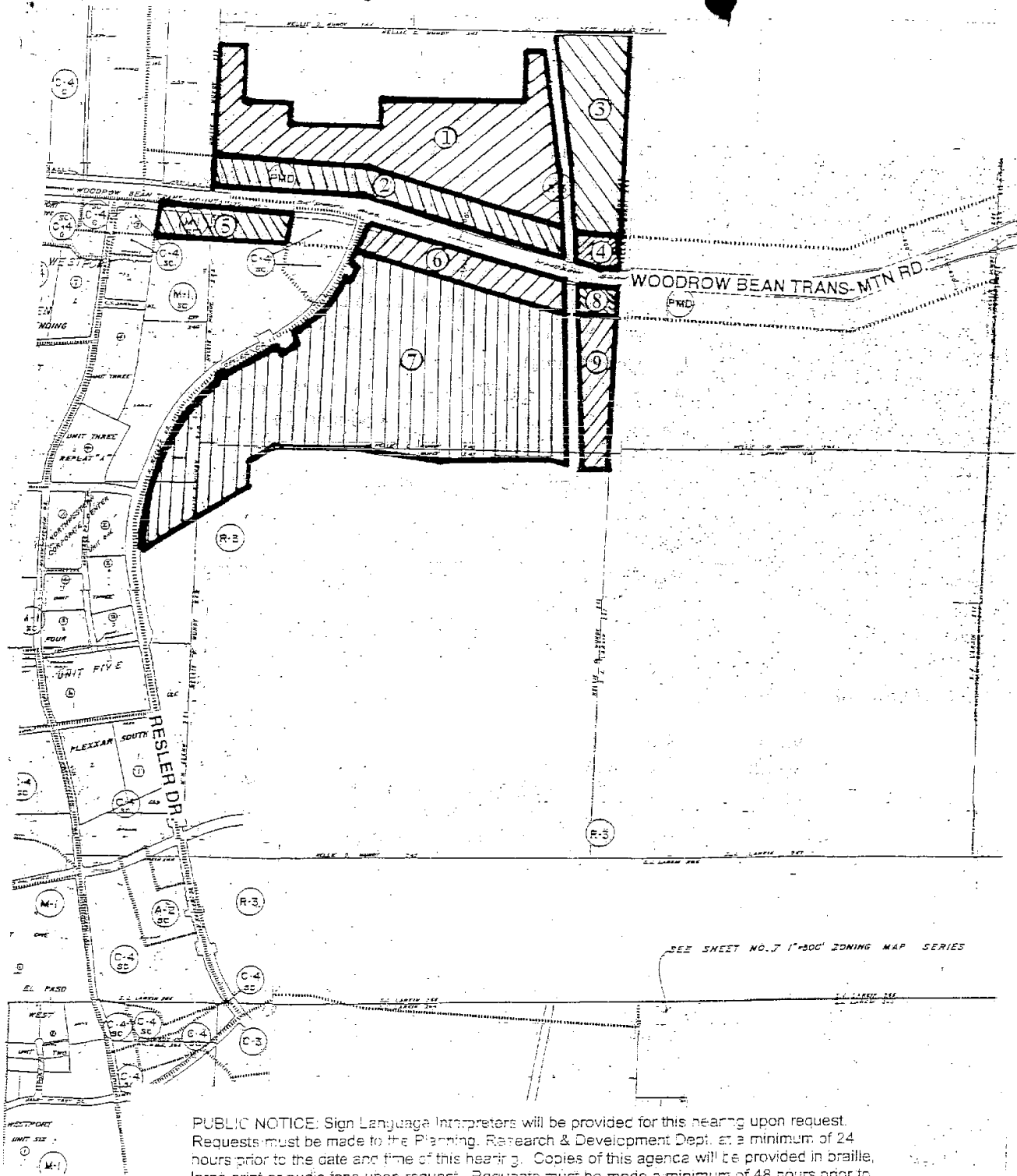
15708

5


3/30/2004

ORDINANCE NO. _____

Zoning Case No: ZON03-00047



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.

 NORTH	SCALE not to scale	GENERAL LOCATION MAP	CASE NUMBER ZON03-00047
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ATTACHMENT 6

Planning and Inspections Department - Planning Division

1. Staff recommends releasing all conditions from Ordinance No. 15708 from Parcel 1
2. Staff recommends releasing the condition of Ordinance No. 15762 from Parcel 2 only for the portion being rezoned to R-3A and amending the condition for the portion of Parcel 2 not being rezoned as the following:

“That the portion of Parcel 1 that will not be rezoned by application PZRZ23-00002 shall provide 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 or certificates of completion. No landscape buffer shall be required where adjacent to stormwater ponding or open space areas.”

Applicant to coordinate with El Paso Water for the easement request prior to plat recordation.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval. No objections to condition release.

Planning and Inspections Department – Land Development

No objections to condition release.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments received.

Environment Services

ESD has no comments regarding the rezoning or condition release or condition amendment.

Streets and Maintenance Department

No objections.

Sun Metro

No comments received.

El Paso Water

EPWater does not object to the rezoning request as long as the changes on the enclosed plat (attachment 3) are incorporated in the final recorded document.

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

EPWater requests for the easement at Blocks 1 & 20 to be PSB Right-of-Way to allow access to the existing facilities.

Note: Applicant to coordinate with El Paso Water prior to recordation of the plat in process.

EPWU-PSB Comments

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

There is an existing 12-inch diameter water main along Caveson Court. This main is available for main extension.
There is an existing 8-inch diameter water main along Cimarron Gap Drive. This main is available for main extension.
There is an existing 8-inch diameter water main along the 25-foot Drainage Utility & Access Row. This main is available for main extension.

Water pressure between 35-psi and 50-psi is expected between ground elevation 4,094-feet and 4,060-feet. The EPWU requests that the Developer construct single level houses between ground elevation 4,060-feet and 4,094-feet, until a high-pressure water main that extends from the C.C.C. 2 Pressure Zone is constructed. Water service to lots located above elevation 4,094-feet cannot be provided until the high-pressure water main is installed.

Previous water pressure from fire hydrant #11668 located at 412-feet northeast corner of Resler Drive and Cimarron Canyon Drive, 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 main extension.

There is an existing 8-inch diameter sanitary sewer main along Cimarron Gap Drive and then there is an existing 12-inch diameter sanitary sewer along 30/40 PSB Easement. This main will be available for main extension.

There is an existing 8-inch diameter sanitary sewer main along Caveson Court. This main will be available for main extension.

There is an existing 8-inch diameter sanitary sewer main along the 25-foot Drainage Utility & Access Row. This main is available for main extension.

General

Owner is responsible for all main extension costs.

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:

EPWater-SW did a CPC review on this property and has no issues with the request.

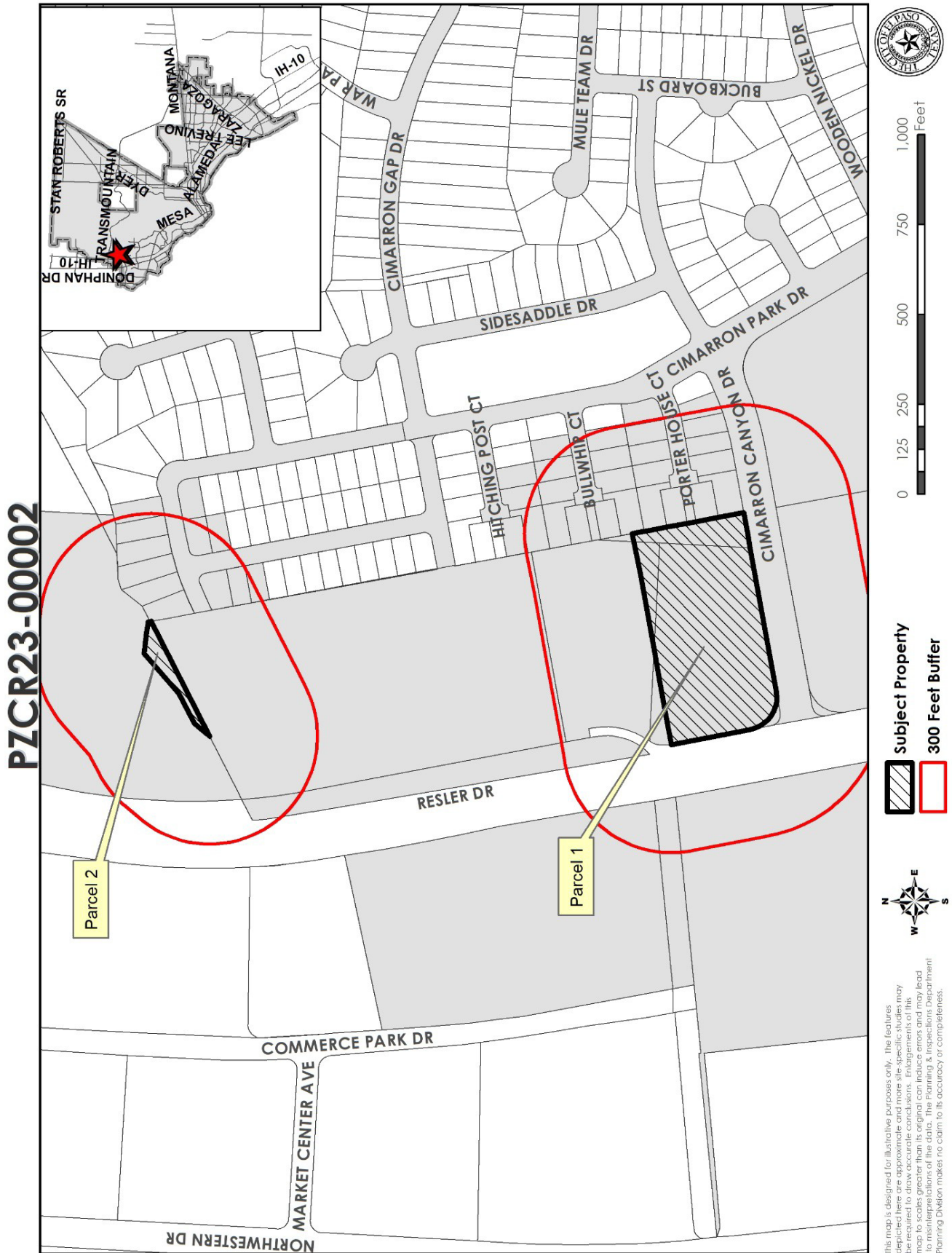
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District

No comments received.

ATTACHMENT 7



ATTACHMENT 8

From: [Tamina Brighton](#)
To: [Rodriguez, Nina A.](#)
Subject: Re: Case PZCR23-00002 OBJECTION
Date: Tuesday, June 13, 2023 10:30:05 AM
Attachments: [image001.png](#)

You don't often get email from tamina.brighton@hotmail.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.

I am in opposition to the condition amendment and release regarding landscape buffers.

Thank you.

Tamina Brighton

From: Rodriguez, Nina A. <RodriguezNA@elpasotexas.gov>
Sent: Tuesday, June 13, 2023 10:13:49 AM
To: Tamina Brighton <tamina.brighton@hotmail.com>
Subject: RE: Case PZCR23-00002 OBJECTION

Good Morning Ms. Brighton,
Thank you for your input, I will be sure to notate your objection to the rezoning of this area. As for the condition amendment and release regarding landscape buffers, are you in support, opposition, or indifferent to this request?

Respectfully,
Nina Rodriguez

Nina Rodriguez | Senior Planner
Planning & Inspections | City of El Paso
801 Texas Ave. | El Paso, TX 79901
915-212-1561 | RodriguezNA@elpasotexas.gov
ElPasoTexas.gov | [Take Our Survey](#)