

**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 releasing all conditions placed on property by Ordinance No. 15672 which changed 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. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

The proposed condition release 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: 7451 Cimarron Park Drive
Applicant: Hunt Communities Development Co. II, LLC, PZCR23-00003

BACKGROUND / DISCUSSION:

The applicant is requesting to release conditions imposed by Ordinance No. 15672 to allow proposed apartments. City Plan Commission recommended 5-0 to approve the proposed condition release request on September 7, 2023. As of September 26, 2023, the Planning Division has received five (5) phone calls in opposition and one (1) phone call in support to the condition release request. This application is running concurrently with rezoning application PZRZ23-00019. 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 RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 15672 WHICH CHANGED 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. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as Lot 2, Block 6, The Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 15672 approved by City Council on January 20, 2004; and,

WHEREAS, placement of such conditions were 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 the removal of all the conditions because these conditions are no longer necessary or appropriate for development; 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,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions does not affect 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:

That all of the zoning conditions imposed by Ordinance No. 15672 approved by City Council on January 20, 2004, on the property described as Lot 2, Block 6, the Village at Cimarron Unit Three, 7451 Cimarron Park Drive, City of El Paso, El Paso County, Texas be released because the conditions are no longer necessary or appropriate for development.

Conditions as follows:

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 exceed 7.26 units per acre, the entire acreage represented within the

ORDINANCE NO. _____

Zoning Case No: PZCR23-00003

HQ 23-1364 | Tran # 501244 | P&I

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.

ADOPTED this _____ day of _____, 2023.

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

ORDINANCE NO. _____

HQ 23-1364 | Tran # 501244 | P&I

Zoning Case No: PZCR23-00003

7451 Cimarron Park



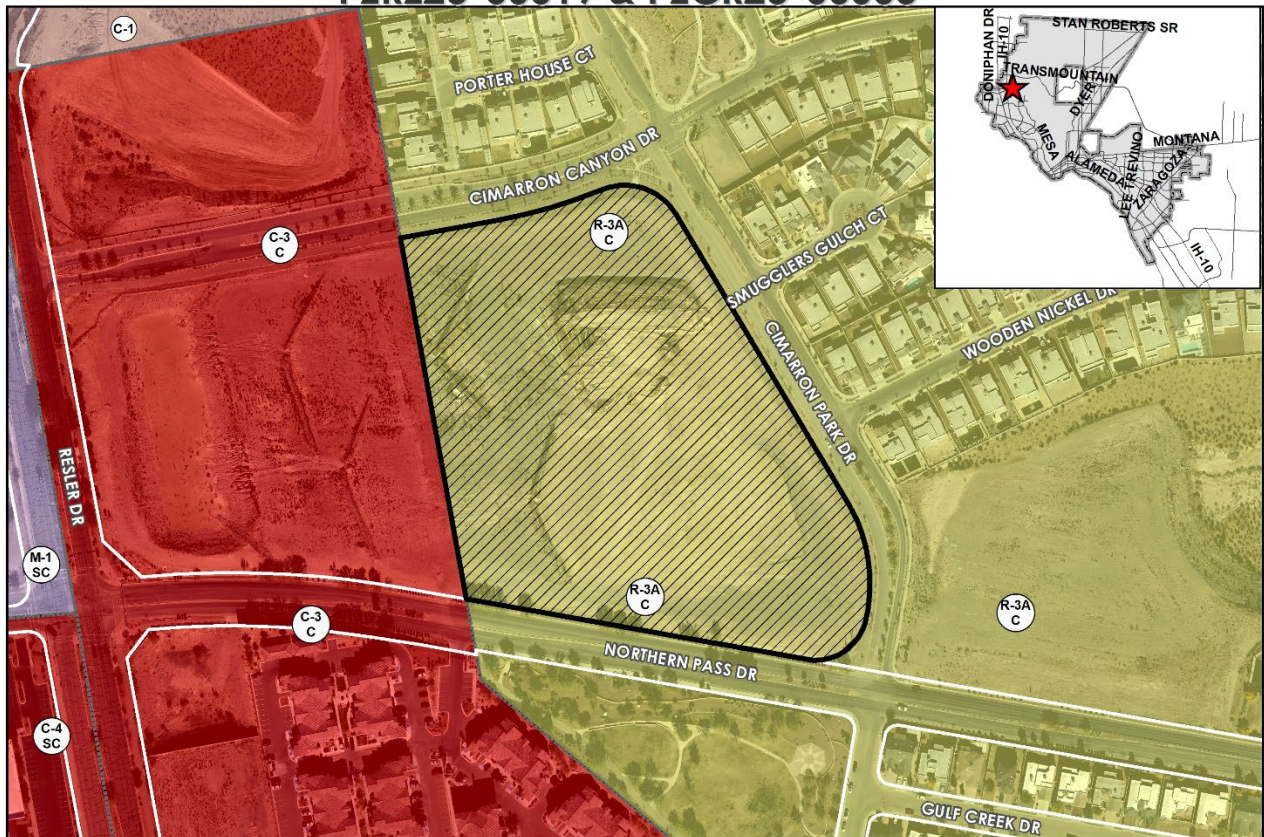
City Plan Commission — September 7, 2023 **REVISED**

CASE NUMBER:	PZCR23-00003
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:	Release conditions imposed by Ordinance No. 15672
RELATED APPLICATIONS:	PZRZ23-00019 - Rezoning 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 release conditions imposed on the subject property by Ordinance No. 15672, dated January 20, 2004.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL** of the request as the proposed condition release aligns with the intent of the policies of the G-4, Suburban (Walkable) future land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan.

PZRZ23-00019 & PZCR23-00003



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Subject Property

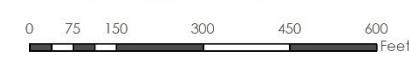


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to release the conditions imposed on the subject property by Ordinance No. 15672, dated January 20, 2004 to allow for the proposed development of apartments. The conceptual plan shows eleven (11) detached buildings one and (1) office building on a 10.43-acre lot. Access to the subject property is proposed 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 3):

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: Condition 1 and 2 are being requested to be released in its entirety. The conditions are no longer necessary or not applicable for proposed development.

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 properties to the south are zoned R-3A/c (Residential/conditions) and C-3/c (Commercial/conditions) and include a park and apartments, and the adjacent property to the east is zoned C-3/c (Commercial/conditions) and is currently vacant. The rezoning will expand the commercial zoning already present along Resler Drive, while also serving as a buffer for the residential properties behind Resler Drive to decrease noise pollution from this major arterial.

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:	
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 release of the conditions imposed by Ordinance No. 15672 has the potential to allow higher densities to support greater diversity of housing options as well as neighborhood commercial uses nearby to serve the area, aligning with the intent of the G-4 Suburban (Walkable) future land use designation of Plan El Paso.</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. Releasing the conditions imposed by Ordinance No. 15672 supports the proposed development of apartments which is compatible with the proposed rezoning of the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial) and other surrounding commercial uses and districts. The proposed use of apartments will create a buffer for residential properties behind Resler Drive to reduce traffic and noise pollution and expand neighborhood commercial uses.</p>

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:	
Preferred Development Locations: Is Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes. Access to the subject property is proposed from Northern Pass Drive, a minor arterial, and Cimarron Park Drive which is classified as local street per the City’s Major Thoroughfare Plan (MTP). The classification of these roads is appropriate to service 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. 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 rezoning.	No adverse effects are anticipated by the condition release of the subject property.
Natural Environment: Anticipated effects on the natural environment.	The subject property is 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.	The area is stable with no rezonings in the last 10 years. However, there is a pending rezoning request (PZR23-00002) 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), and the proposed rezoning of the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial).
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 Cimarron Park Drive classified as a local road under the City’s MTP. The classification of these roads is appropriate to service 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: Planning staff has reviewed the applicable conditions imposed on the subject property and found them to be unnecessary if rezoned per application PZR23-00019. The conditions restrict gross density of the subject property to the zoning standards of an R-3 (Residential) zoning district. Keeping the proposed conditions would be inappropriate for property zoned C-1 (Commercial) as proposed by the concurrent rezoning request.

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 release 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: Rezoning application PZRZ23-00019 is running concurrently with this application. The rezoning application request is to rezone the subject property from R-3A/c (Residential/conditions) to C-1 (Commercial) to allow for apartment use.

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:

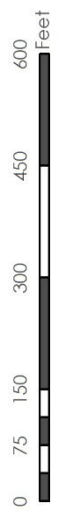
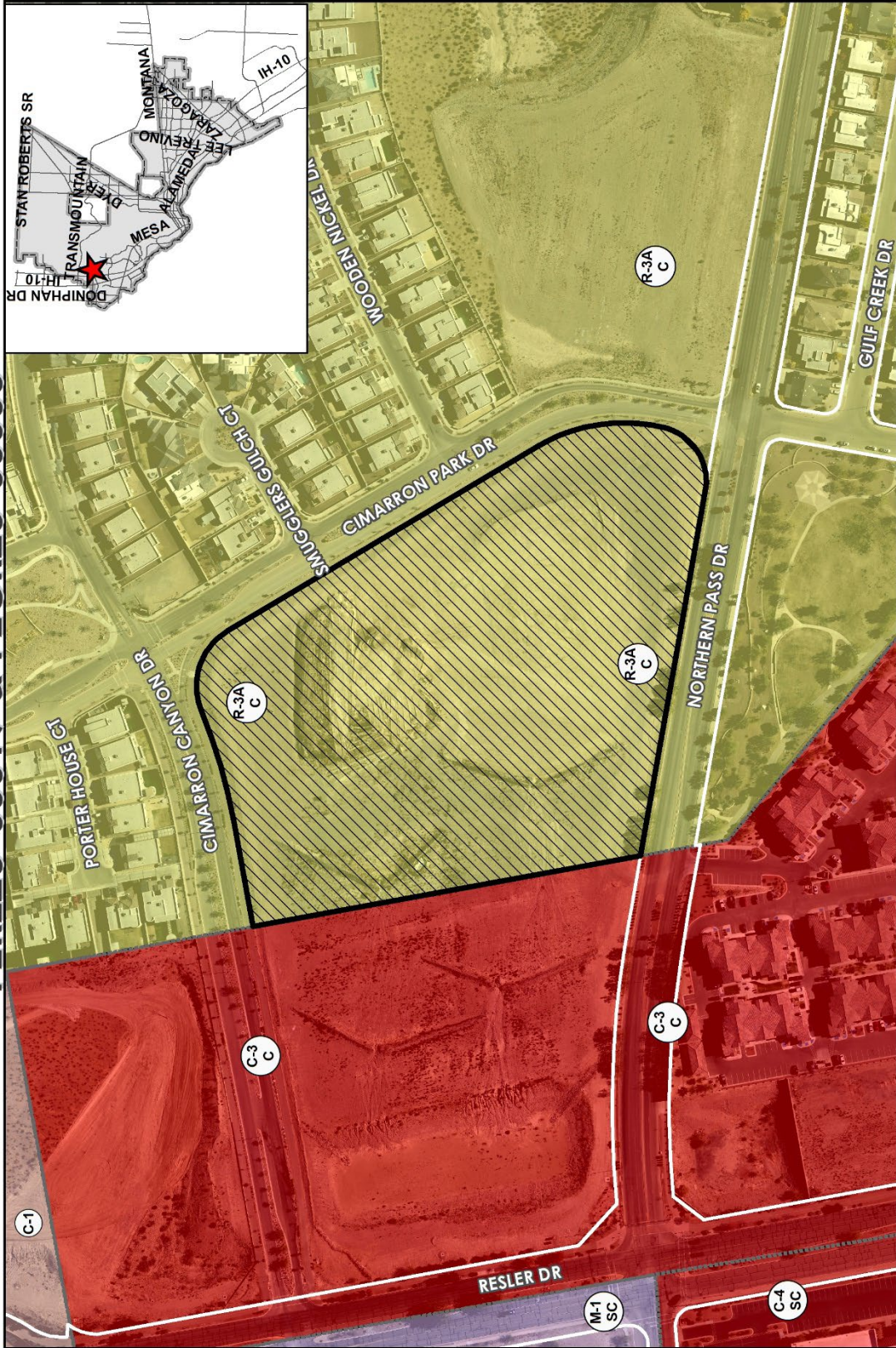
1. **Recommend Approval** of the condition release request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**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

ATTACHMENT 1

PZR23-00019 & PZCR23-00003

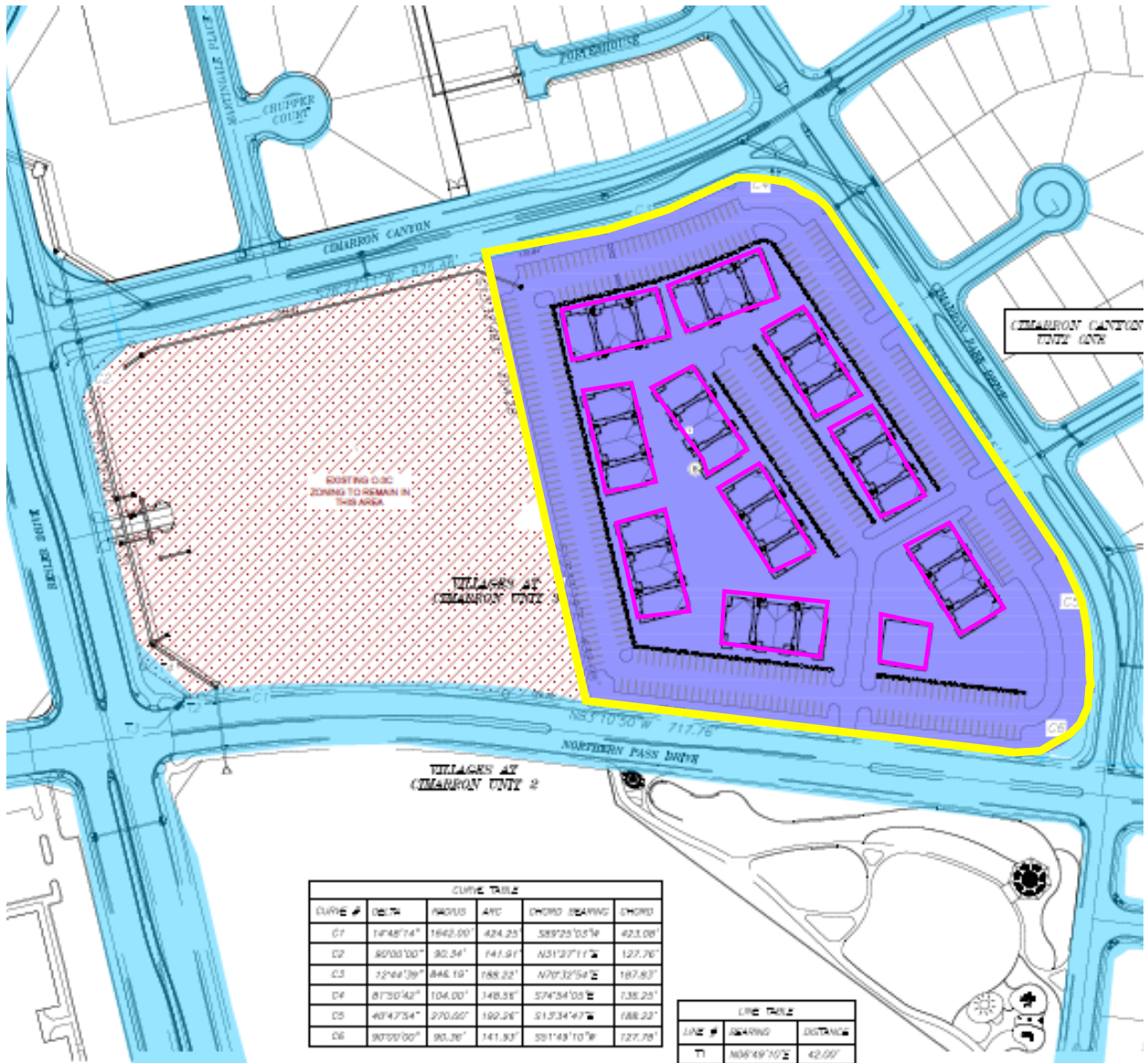


 Subject Property



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ATTACHMENT 2



CURVE TABLE					
CURVE #	DATA	RAIUS	ARC	CHORD BEARING	CHORD
C1	14°48'14"	1842.00'	424.25'	S89°25'05"W	423.08'
C2	80°03'00"	82.54'	141.81'	N51°27'11"E	127.70'
C3	32°44'38"	844.10'	188.22'	N70°32'54"E	187.87'
C4	81°30'42"	104.00'	148.85'	S74°34'03"E	138.25'
C5	40°47'34"	270.00'	102.26'	S13°34'47"W	188.22'
C6	90°00'00"	90.38'	141.83'	S91°49'10"W	127.75'

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N06°49'10"E	42.00'
L2	S82°00'36"W	18.9'
L3	N13°55'30"W	3.00'
L4	N50°45'54"W	24.00'
L5	S08°48'10"W	12.99'

ATTACHMENT 3

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:

2

1/21/2004

ORDINANCE NO. 15872

Zoning Case No: ZON03-00046

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

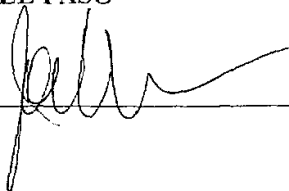
3

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

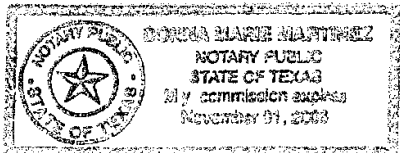

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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

My Commission Expires:

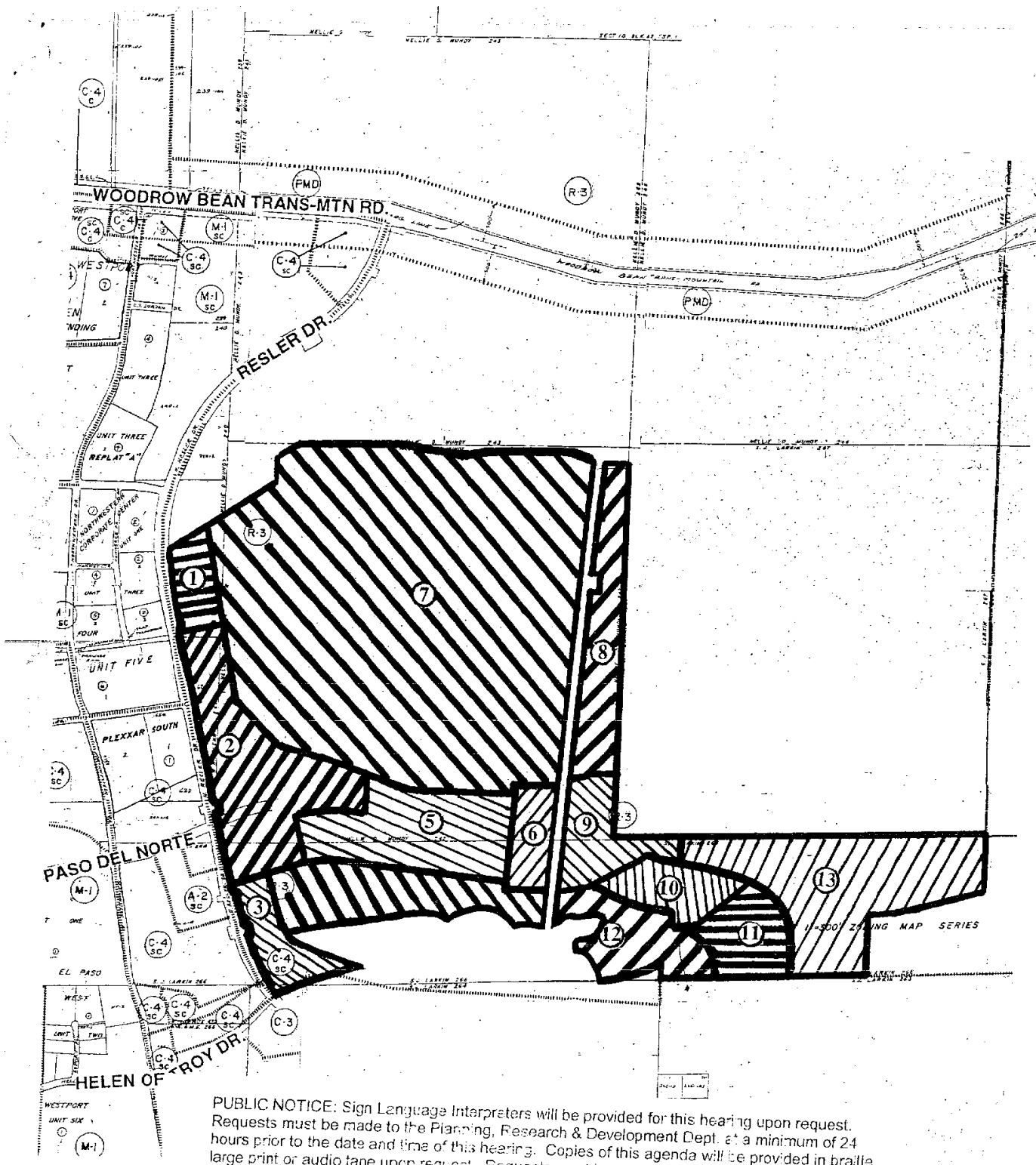



Notary Public, State of Texas

Notary's Printed or Typed Name:

ORDINANCE NO. 15672

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 of condition release request. The release of the conditions imposed by Ordinance No. 15672 has the potential to allow higher densities to support greater diversity of housing options as well as neighborhood commercial uses nearby to serve the area, aligning with the intent of the G-4 Suburban (Walkable) future land use designation of *Plan El Paso*.

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

No objections to the proposed condition release.

Fire Department

Recommend approval, no adverse comments.

Police Department

No comments received.

Environment Services

No comments received.

Streets and Maintenance Department

No objections to rezoning.

Ensure trees follow city ordinance 12.68 – Visibility Obstructions, on all corners and access points to development.

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 for 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.

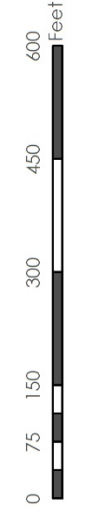
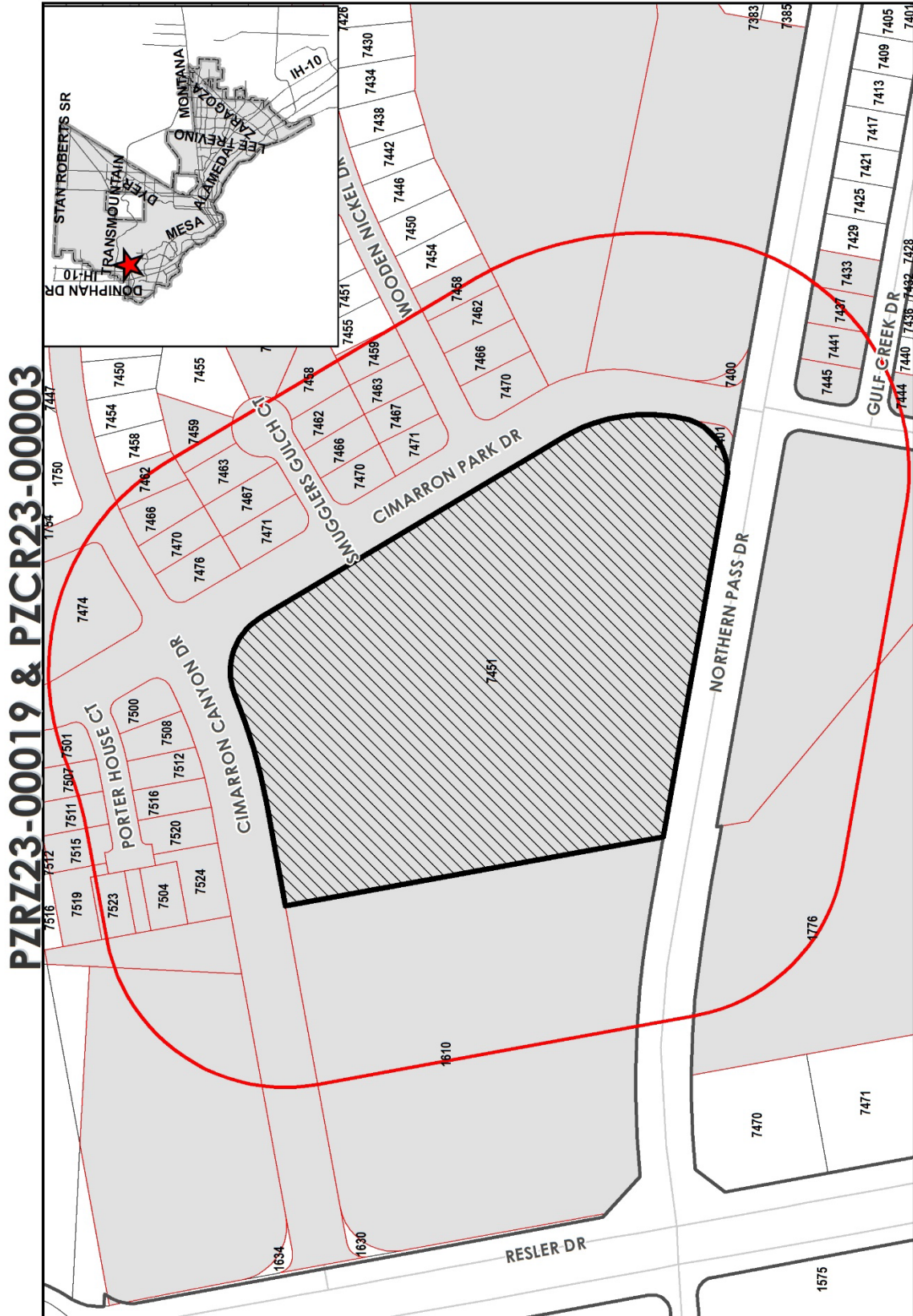
Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

ATTACHMENT 5



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



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