

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: October 6, 2009
Public Hearing: October 27, 2009

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of Parcel 1, a portion of Tract 1B4, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas From C-3/c (Commercial/conditions) to R-3A (Residential) and Parcel 2, a portion of Tract 1B4, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas from A-O (Apartment/Office) to R-3A (Residential) and releasing conditions placed on Parcel 1 by Ordinance No. 15672. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Northern Pass Drive and West of Helen of Troy Drive. Applicant: Cimarron Hunt Communities, LLC, ZON09-00034 and ZON09-00038 (**District 1**).

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Victor Q. Torres
Director, Development Services

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1, A PORTION OF TRACT 1B4, S. J. LARKIN SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-3/c (COMMERCIAL/CONDITIONS) TO R-3A (RESIDENTIAL) AND PARCEL 2, A PORTION OF TRACT 1B4, S. J. LARKIN SURVEY 266, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O (APARTMENT/OFFICE) TO R-3A (RESIDENTIAL) AND RELEASING CONDITIONS PLACED ON PARCEL 1 BY ORDINANCE NO. 15672. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as a *portion of Tract 1 B4, S. J. Larkin Survey 266, El Paso, El Paso County, Texas*, was changed to Commercial by Ordinance No. 15672, approved by City Council on January 20, 2004; and,

WHEREAS, the rezoning was subject to the following zoning conditions on Parcel 1

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; 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 the above conditions on the above described property because the property is also being requested to be rezoned to residential making the condition no longer necessary; and,

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

WHEREAS, the City Council of the City of El Paso has determined that the release of the above 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:

That the zoning of Parcel 1: A portion of Tract 1B4, S. J. Larkin Survey 266, El Paso, El Paso County, Texas. Parcel 2: A portion of Tract 1B4, S. J. Larkin Survey 266, El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from Parcel 1: C-3c (Commercial/conditions) to R-3A/c (Residential/conditions). Parcel 2: A-O (Apartment/Office) to R-3A (Residential), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

That the zoning conditions imposed by Ordinance No. 15672 dated January 20, 2004 requiring that *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;* be released on the portion of land identified in Exhibit "A".

That Except as herein amended, Ordinance 15672 shall remain in full force and effect.

PASSED AND APPROVED this _____ of _____ 2009

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Mathew McElroy Deputy Director
Development Services Department -
Planning Division

15672

ORDINANCE NO. _____

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:

CITY CLERK DEPT.
09 SEP 28 PM 2:41

1/21/2004

ORDINANCE NO. 15672

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)

CITY CLERK DEPT.
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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:

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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)

15872

3

1/21/2004

ORDINANCE NO. _____

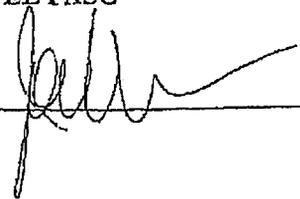
Zoning Case No: ZON03-00046

CITY CLERK DEPT.

08 SEP 28 PM 2:41

THE CITY OF EL PASO

Joe Wardy
Mayor

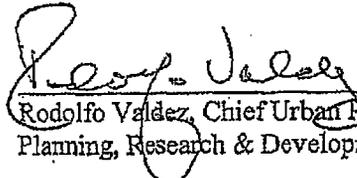


ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

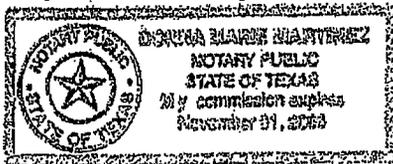

Fred Lopez, Zoning Coordinator
Planning, Research & Development
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

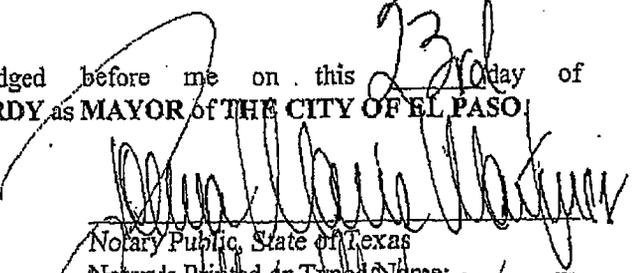
Acknowledgment

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

1/21/2004

MEMORANDUM

DATE: September 21, 2009

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: **ZON09-00034 and ZON09-00038**

The City Plan Commission (CPC), on August 27, 2009, voted **7-0** to recommend **APPROVAL** of rezoning subject property from C-3/c (Commercial/conditions) and A-O (Apartment/Office) to R-3A (Residential) and releasing conditions placed on Parcel 1 by Ordinance No. 15672 dated January 23, 2004.

The CPC found that the rezoning is in conformance with The Plan for El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and that the rezoning will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was **NO OPPOSITION** to this request.

Attachment: Staff report



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00034
Application Type: Rezoning
CPC Hearing Date: August 27, 2009
Staff Planner: Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

Location: South of Northern Pass Drive and West of Helen of Troy Drive

Legal Description: Parcel 1: A portion of Tract 1B4, S. J. Larkin Survey 266, City of El Paso, El Paso County, Texas
Parcel 2: A portion of Tract 1B4, S. J. Larkin Survey 266, City of El Paso, El Paso County, Texas

Acreage: Parcel 1: 0.650 acres
Parcel 2: 12.870 acres

Rep District: 1
Existing Use: Vacant
Request: Parcel 1: C-3/c (Commercial/conditions) to R-3A/c (Residential/conditions)
Parcel 2: A-O (Apartment/Office) to R-3A (Residential)
Proposed Use: Single-Family Residential Development

Property Owner: Cimarron Hunt Communities, LLC.
Applicant: Cimarron Hunt Communities, LLC.
Representative: CSA Design Group, Inc.

SURROUNDING ZONING AND LAND USE

North: A-O (Apartment/Office) / Vacant
South: R-3A (Residential) / Single-Family Dwellings, Vacant
East: C-3/c (Commercial/conditions) / Vacant
West: R-3A (Residential) & C-3/c (Commercial/conditions) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Commercial (Northwest Planning Area)

NEAREST PARK: South Dakota Park (1,500 Feet)

NEAREST SCHOOL: Kohlberg Elementary (2,675 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley
Coronado Neighborhood Association
Upper Mesa Hills Neighborhood Association
Upper Valley Improvement Association
Mountain Arroyos Neighborhood Association

NEIGHBORHOOD INPUT

Notice of the public meeting was mailed out to all property owners within 300 feet of the subject property on August 5, 2009. The Planning Division has received no public response to the rezoning request.

CASE HISTORY

A portion of Parcel 1 was rezoned in January 2004 from R-3 (Residential) to C-3/c (Commercial/conditions). Conditions were imposed by Ordinance No. 15672 dated January 23, 2004: *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.

APPLICATION DESCRIPTION

The property owners are requesting to rezone the subject property from C-3/c (Commercial) and A-O (Apartment/Office) to R-3A (Residential). The property owner is proposing a total of 150 single-family residential lots on 28.86 acres. The property submitted for rezoning consists of 13.52 acres in size and is currently vacant. Access is proposed via Northern Pass. This rezoning request is associated with condition release case ZON09-00038.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends **APPROVAL** of rezoning the property from C-3 (Commercial) and A-O (Apartment/Office) to R-3A (Residential).

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of rezoning the property from C-3 (Commercial) and A-O (Apartment/Office) to R-3A (Residential).

The Plan for El Paso –City-wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- b. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- c. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- d. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

The request is compatible to the adjacent R-3A (Residential) development. The residential lots are comparable in size to the single-family residential lots in the area. The proposed single-family residential will provide an additional housing type that is compatible with the surrounding residential developments to the south and west.

Development Services Department - Building Permits and Inspections Division

Zoning Review: No comments received.

Landscape Review: Landscape not required for residential zoned property.

Development Services Department – Planning Division

Current Planning: Recommends **APPROVAL** of rezoning the property from C-3 (Commercial) to R-3A (Residential) and A-O (Apartment/Office) to R-3A (Residential).

Land Development:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*

- Drainage plans must be approved by the Development Services Department, Engineering Section.*
- The Subdivision is within Flood Zone C – “Areas of minimal flooding” – Panel # 480214 0017C, dated February 5, 1986.

*This requirement will be applied at the time of development.

Engineering Department - Traffic Division

No objection to proposed rezoning

Fire Department

We have no opposition at this time.

El Paso Water Utilities

EPWU does not object to this request.

Sun Metro

Sun Metro recommends that sidewalks designed to City’s standards are constructed throughout the development to provide pedestrian connectivity to mass transit stops.

CITY PLAN COMMISSION OPTIONS

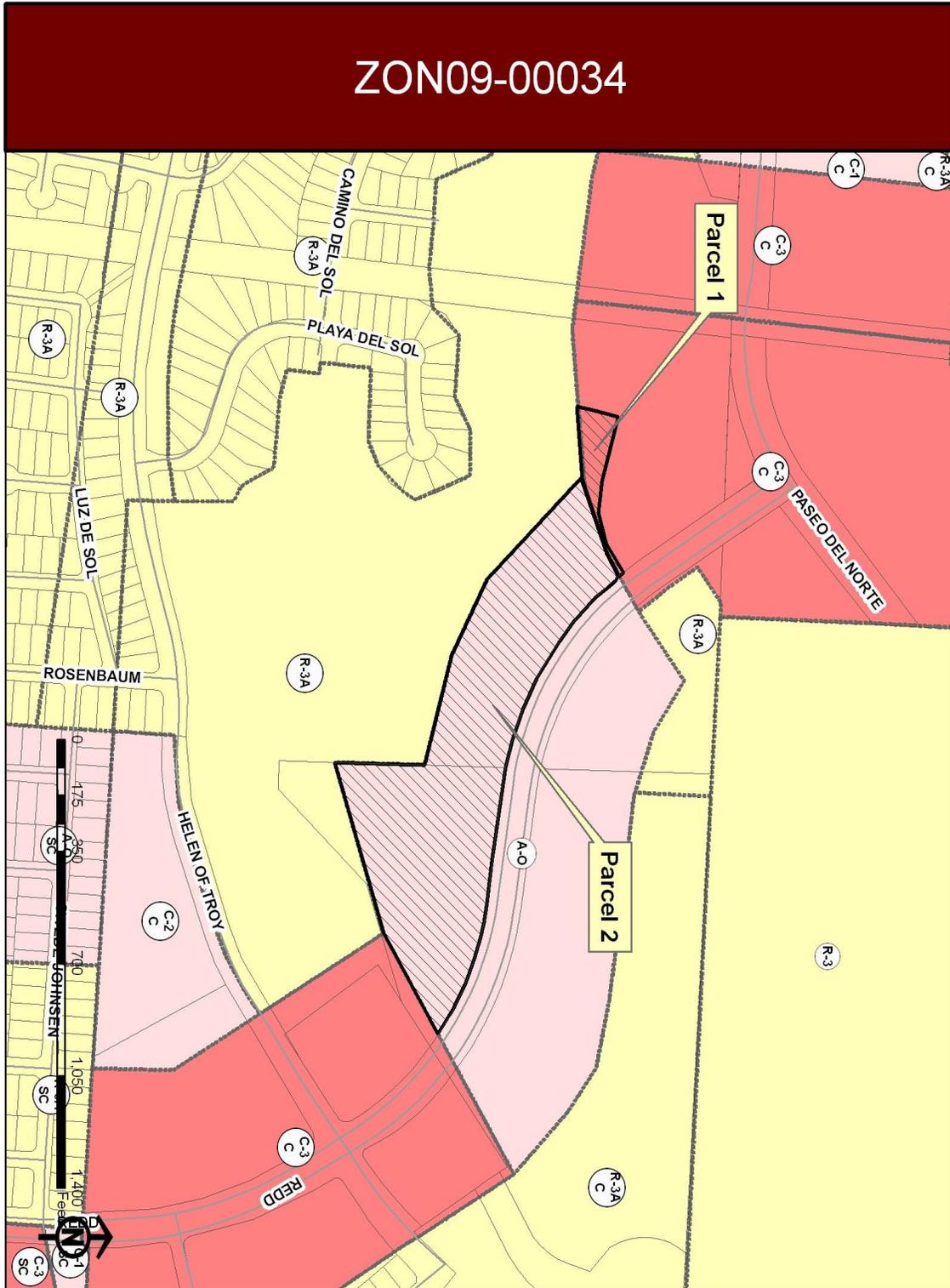
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Ordinance 15672

ATTACHMENT 1: LOCATION MAP

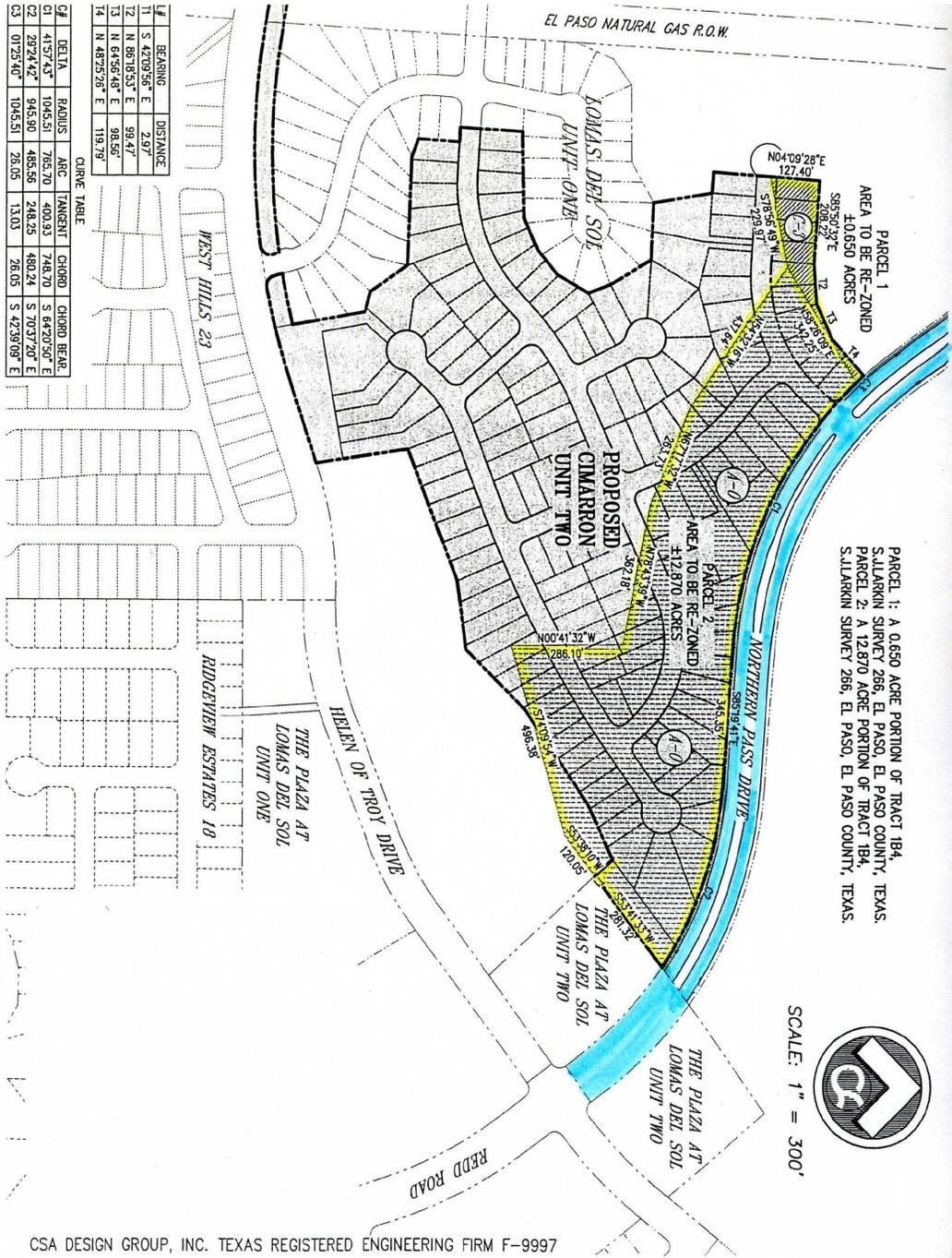


ATTACHMENT 2: AERIAL MAP

ZON09-00034



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE 15672

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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

1/21/2004

Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE 15672

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:

ORDINANCE NO. 15672

2

1/21/2004

Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE 15672

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-bc 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

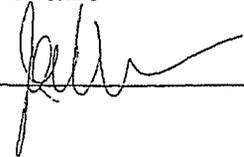
1/21/2004

Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE 15672

THE CITY OF EL PASO

Joe Wardy
Mayor

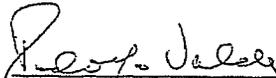


ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:


Fred Lopez, Zoning Coordinator
Planning, Research & Development

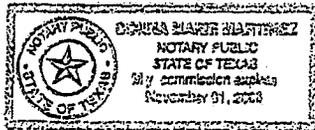

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

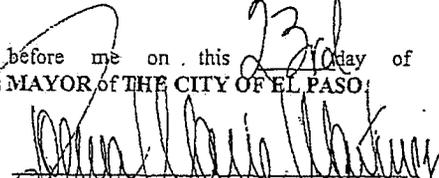
Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

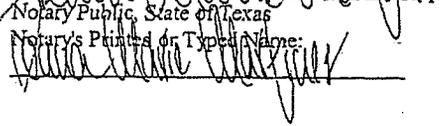
This instrument is acknowledged before me on this 23rd day of August, 2004, by JOE WARDY, as MAYOR of THE CITY OF EL PASO.

My Commission Expires:




Notary Public, State of Texas

Notary's Printed or Typed Name:



ORDINANCE NO. 15672

Zoning Case No: ZON03-00046



City of El Paso – City Plan Commission Staff Report

Case No: ZON09-00038
Application Type: Zoning Condition Release
CPC Hearing Date: August 27, 2009
Staff Planner: Andrew Salloum, (915) 541-4029, salloumam@elpasotexas.gov

Location: South of Northern Pass Drive and West of Helen of Troy Drive
Legal Description: A portion of Tract 1B4, S. J. Larkin Survey 266, City of El Paso, El Paso County, Texas

Acreage: 0.650-acre

Rep District: 1

Existing Use: Vacant

Request: Release zoning conditions imposed by Ordinance 15672, dated January 23, 2004

Proposed Use: Single-Family Residential Development

Property Owner: Cimarron Hunt Communities, LLC.

Applicant: Cimarron Hunt Communities, LLC.

Representative: CSA Design Group, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3/c (Commercial/conditions) / Vacant

South: R-3A (Residential) / Single-Family Dwellings, Vacant

East: C-3/c (Commercial/conditions) / Vacant

West: A-O (Apartment/Office) / Vacant

THE PLAN FOR EL PASO DESIGNATION: Commercial (Northwest Planning Area)

NEAREST PARK: South Dakota Park (2,960 Feet)

NEAREST SCHOOL: Kohlberg Elementary (2,675 Feet)

NEIGHBORHOOD ASSOCIATIONS

Save the Valley

Coronado Neighborhood Association

Upper Mesa Hills Neighborhood Association

Upper Valley Improvement Association

Mountain Arroyos Neighborhood Association

NEIGHBORHOOD INPUT

Notice of the public meeting was mailed out to all property owners within 300 feet of the subject property on August 5, 2009. The Planning Division has received no public response to the rezoning request.

CASE HISTORY

The subject property is a portion of the property that was rezoned from R-3 (Residential) to C-3/c (Commercial/conditions) on January 23, 2004. Conditions were imposed by Ordinance No. 15672 dated January 20, 2004: *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.*

APPLICATION DESCRIPTION

The property owners are requesting to release the following conditions imposed by a special contract Ordinance 15672 dated January 23, 2004:

“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.”

This request is associated with rezoning request ZON09-00034.

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION

The DCC recommends **APPROVAL** of the condition release requests.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the condition release requests.

The Plan for El Paso –City-wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- e. Goal: develop a balanced and complete community which contains a mix of land uses and densities, housing types and styles, economic development, job opportunities, educational opportunities, and outlets for social and cultural expression.
- f. Goal: provide and enforce standards for providing decent, safe, and sanitary housing for all El Pasoans in accordance with Federal, State, and Local regulations.
- g. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.
- h. Goal: protect residential areas from incompatible land uses and encroachments which may have a negative impact on the residential living environment.

The request is compatible to the adjacent R-3A (Residential) development. The residential lots are comparable in size to the single-family residential lots in the area. The proposed single-family residential will provide an additional housing type that is compatible with the surrounding residential developments.

Development Services Department - Building Permits and Inspections Division

Zoning Review: no comments received.

Landscape Review: landscape does not require for residential development.

Development Services Department – Planning Division

Current Planning: Recommends **APPROVAL** of the condition release request.

Land Development:

- ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required.*
- Grading plan and permit shall be required.*
- Storm Water Pollution Prevention Plan and/or permit required.*
- Drainage plans must be approved by the Development Services Department, Engineering Section.*

- The Subdivision is within Flood Zone C – “Areas of minimal flooding” – Panel # 480214 0017C, dated February 5, 1986.

*This requirement will be applied at the time of development.

Engineering Department - Traffic Division

No objection to proposed conditions release.

Fire Department

We have no opposition at this time.

El Paso Water Utilities

EPWU does not object to this request.

Sun Metro

Sun Metro does not oppose the condition release request.

CITY PLAN COMMISSION OPTIONS

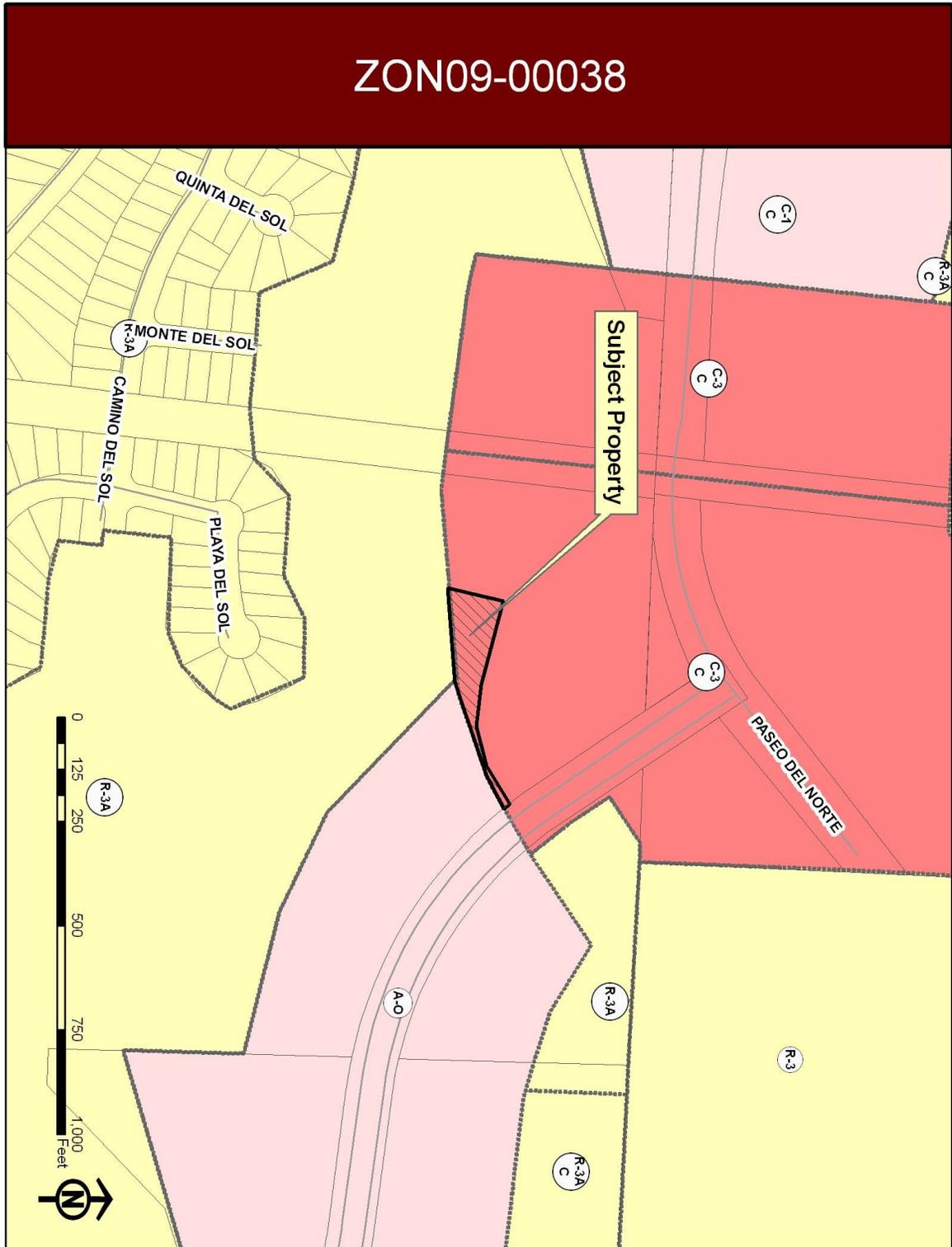
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application:

1. Recommend approval of the application finding that the special contract release is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the special contract release into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special contract release does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

Attachments

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Conceptual Site Plan
- Attachment 4: Ordinance 15672

ATTACHMENT 1: LOCATION MAP

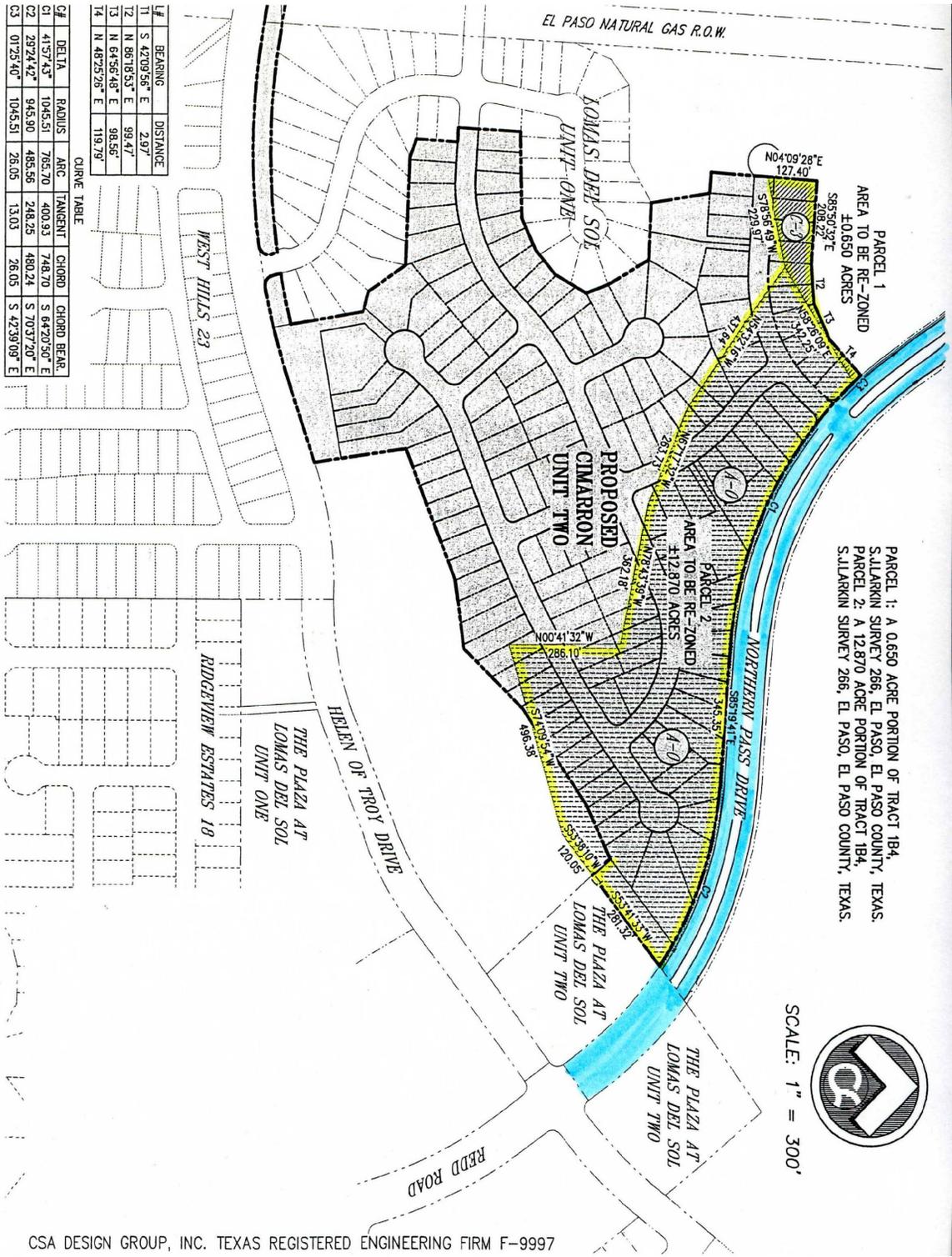


ATTACHMENT 2: AERIAL MAP

ZON09-00038



ATTACHMENT 3: CONCEPTUAL SITE PLAN



ATTACHMENT 4: ORDINANCE 15672

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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

1/21/2004

Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE 15672

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/e (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 20.63 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:

ORDINANCE NO. 15672

2

1/21/2004

Zoning Case No: ZON03-00046

ATTACHMENT 4: ORDINANCE 15672

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

ATTACHMENT 4: ORDINANCE 15672

THE CITY OF EL PASO

[Signature]
Joe Wardy
Mayor

ATTEST:

[Signature]
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

[Signature]
Fred Lopez, Zoning Coordinator
Planning, Research & Development

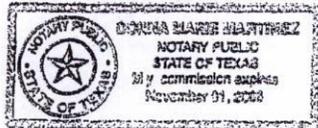
[Signature]
Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

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

My Commission Expires:



[Signature]
Notary Public, State of Texas
Notary's Printed or Typed Name: _____

ORDINANCE NO. 15672

1/21/2004
Zoning Case No: ZON03-00046