

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: May 1, 2007
Public Hearing: May 22, 2007

CONTACT PERSON/PHONE: Esther Guerrero, 541-4720

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 8, Nellie D. Mundy Survey No. 239, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 7051 South Desert Boulevard. Applicants: El Paso Outlet Center, LLC. ZON07-00011 (District 1)

BACKGROUND / DISCUSSION:

See attached report.

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 (5-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Kelly Carpenter

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 8, NELLIE D. MUNDY SURVEY NO. 239, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.

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

That the zoning of a portion of Tract 8, Nellie D. Mundy Survey No. 239, City of 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 R-F (Ranch and Farm) to C-4 (Commercial), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of _____, 2007.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

CITY CLERK DEPT.
07 APR 24 PM 4:33

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Lupe Cuellar
Assistant City Attorney

Kimberly Forsyth, Senior Planner
Development Services Department

ORDINANCE NO. _____

Zoning Case No: ZON07-00011

Being a portion of Tract 8,
Nellie D. Mundy Survey No. 239,
El Paso County, Texas
Prepared for: Horizon Group
February 21, 2007
(Parcel 1)

CITY CLERK DEPT.
07 APR 24 PM 4:33

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 8, Nellie D. Mundy Survey No. 239, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a found 1" pipe for the northeast corner of Nellie D. Mundy Survey No. 239 from this point a found 1" pipe for the southeast corner of Nellie D. Mundy Survey No. 239 bears South 00° 01'02" East a distance of 4100.30 feet; Thence from said northeast corner South 89°58'00" West a distance of 4127.91 feet to a point on the line between Nellie D. Mundy Surveys No 238 and 239; Thence South 00°00'45" West a distance of 30.00 feet to a point on the northerly line of Tract 8, Nellie D. Mundy Survey No. 239 for THE "TRUE POINT OF BEGINNING";

Thence along the El Paso city limits line, South 00°00'45" West a distance of 1883.32 feet to a point;

Thence leaving said line South 59°58'22" West (S60°04'30" W vol. 75, pg. 71) a distance of 206.88 feet to a set ½" rebar with cap marked TX 5152 on the northerly line of lot 2, block 1, Covenant Corner Commerce Park as recorded in volume 75, Page 71, Plat records of El Paso County, Texas;

Thence continuing along said the following three courses

South 45°04'37" West (S 45°10'45" W vol. 75, pg. 71) a distance of 167.38 feet to a set ½" rebar with cap marked TX 5152;

South 89°55'37" West (N 89°58'15" W vol. 75, pg. 71) a distance of 141.85 feet to a set ½" rebar with cap marked TX 5152;

North 45°04'37" East (N 45°10'45" E vol. 75, pg. 71) a distance of 172.99 feet to a set ½" rebar with cap marked TX 5152;

Thence along the northerly line of lot 2, block 1, Covenant Corner Commerce Park, South 89°55'37" West (N 89°58'15" W vol. 75, pg 71) a distance of 799.98 feet to a point;

Thence 88.17 feet along the arc of a curve to the right which has a radius of 500.50 a interior angle of $10^{\circ}05'35''$ a chord which bears North $15^{\circ}27'56''$ East a distance of 88.05 feet to a point;

Thence North $20^{\circ}30'44''$ East a distance of 91.93 feet to a point;

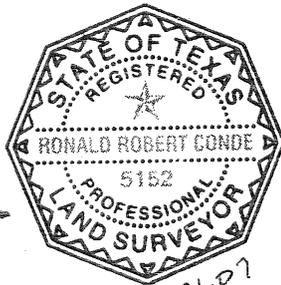
Thence 178.71 feet along the arc of a curve to the left which has a radius of 499.50 a interior angle of $20^{\circ}29'59''$ a chord which bears North $10^{\circ}15'44''$ East a distance of 177.76 feet to a point;

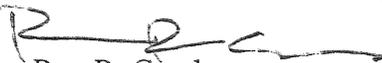
Thence North $00^{\circ}00'45''$ East a distance of 1637.60 feet to a point on the northerly line of tract 8, Nellie D. Mundy Survey No. 239;

Thence along the northerly line of said tract 8, North $89^{\circ}58'00''$ East a distance of 1029.66 feet to the "TRUE POINT OF BEGINNING" and containing 47.36 acres of land more or less.

NOTE: Bearings basis is per deed in volume 1442, page 419, Real property records of El Paso County Texas

CITY CLERK DEPT.
07 APR 24 PM 4:33




Ron R. Conde
R.P.L.S. No. 5152
Job# 107-22 R.C.

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283



JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES

KELLY CARPENTER, AICP
DEPUTY DIRECTOR, PLANNING

CITY COUNCIL

ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN, JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES
PLANNING DIVISION**

MEMORANDUM

DATE: April 24, 2007

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

FROM: Esther Guerrero, Planner

SUBJECT: **ZON07-00011**

The City Plan Commission (CPC), on April 5, 2007, voted **5-0** to recommend **APPROVAL** of rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial), concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this 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 the effects of the rezoning will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

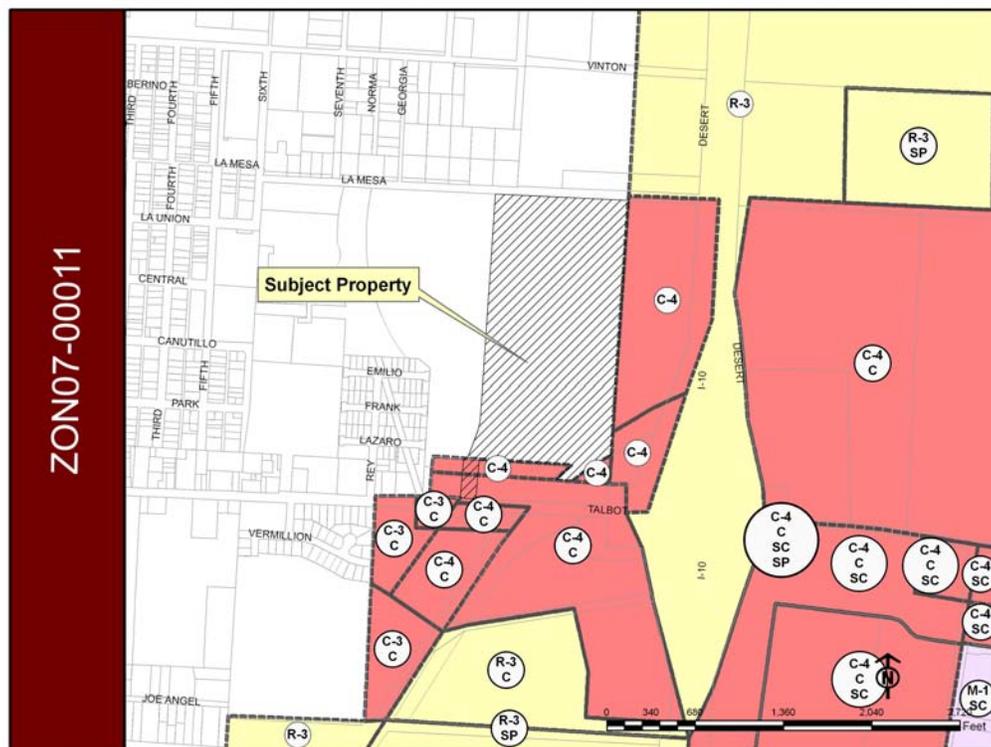
There was no opposition to this request.

Attachment: Staff Report, Conceptual Site Plan, Application



ZON07-00011

Application Type: Rezoning
Property Owner(s): El Paso Outlet Center, LLC
Representative(s): Conde, Inc.
Legal Description: A portion of Tract 8, Nellie D. Mundy Survey No. 239, El Paso County, Texas
Location: 7051 South Desert Boulevard
Representative District: ETJ **Area:** 48.28 Acres
Present Zoning: R-F (Ranch and Farm) **Present Use:** Vacant
Proposed Zoning: C-4 (Commercial)
Recognized Neighborhood Associations Contacted: Texas Apache Nations Inc.
Save the Valley
Coronado Neighborhood Association
Upper Mesa Hills Neighborhood Association
Public Response: None
Surrounding Land Uses: **North:** ETJ / Vacant; **South:** C-4 / Vacant; **East:** C-4 / Vacant;
West: ETJ / Vacant, Residential
Year 2025 Designation: Residential and Industrial (ETJ)



General Information

The applicant requests a rezoning from R-F (Ranch and Farm) to C-4 (Commercial) in order to permit the development of an outlet mall. The conceptual plan shows 7 buildings on site with parking to the east, south and west of this property. The property consists of 47.36 acres with access proposed via South Desert Boulevard and Talbot Avenue.

A Development Agreement was approved by City Council on January 30, 2007 and an annexation application is currently in process.

Staff Recommendation

The Development Coordinating Committee (DCC) recommends unanimous **approval** of the rezoning request.

The recommendation is based on the following:

- **The Plan for El Paso** City-Wide Land Use Goals recommends that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”
- **The Year 2025 Projected General Land Use Map** for the **Northwest** Planning Area designates this property for **Residential and Industrial** land uses.
- **C-4 (Commercial) zoning** permits outlet malls and **is compatible** with adjacent development.

Findings

The Commission must determine the following:

- A. Will the rezoning protect the best interest, health, safety and welfare of the public in general?
- B. What effects will this have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?
- C. What is the relation of the proposed rezoning to the City’s Comprehensive Plan?

Development Services Department - Planning Division

- A. The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property as Residential and Industrial.
- B. C-4 (Commercial) is compatible with adjacent land uses.

Development Services Department - Building Permits Division

Insufficient data provided to determine compliance with lot, yard development standards and parking requirements. Provide a 6 ft. high masonry screening wall along property lines abutting residential district.

Development Services Department - Subdivision Plan Review

No objections.

Engineering Department - Traffic Division

Access to South Desert Boulevard and Talbot Avenue shall be coordinated with the Texas Department of Transportation.

Fire Department

No comments received.

EI Paso Water Utilities

No objections.

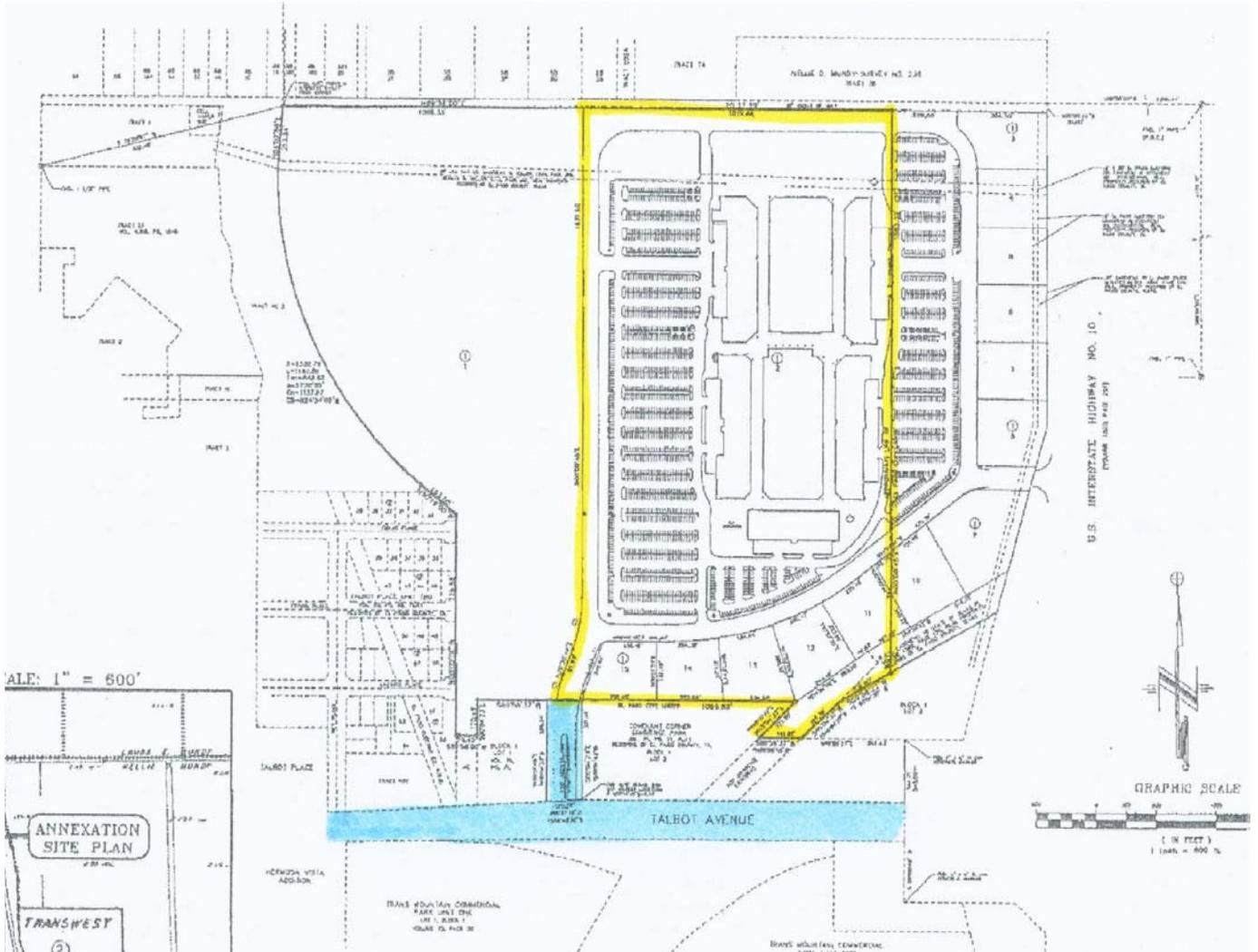
List of Attachments

Attachment 1: Conceptual Site Plan

Attachment 2: Application



Attachment 1: Conceptual Site Plan



Attachment 2: Application



**REZONING APPLICATION
PLANNING, RESEARCH & DEVELOPMENT DEPARTMENT
CITY OF EL PASO, TEXAS**



1. CONTACT INFORMATION

PROPERTY OWNER(S): El Paso Outlet Center LLC
 ADDRESS: 5000 Hakes Drive, Norton Shores, MI ZIP CODE: 49441 PHONE: 231-798-9235
 APPLICANT(S): El Paso Outlet Center LLC
 ADDRESS: 5000 Hakes Drive, Norton Shores, MI ZIP CODE: 49441 PHONE: 231-798-9235
 REPRESENTATIVE(S): Conde, Inc.
 ADDRESS: 1790 Lee Trevino Suite 400 ZIP CODE: 79936 PHONE: 915-595-0283
 E-MAIL ADDRESS: econrad@elp.rr.com FAX: 592-0283

2. PARCEL ONE INFORMATION

PROPERTY IDENTIFICATION NUMBER: X23900000000017
 LEGAL DESCRIPTION: Being a portion of Tract 8, Nellie D. Mundy Survey No. 239 City of El Paso
 STREET ADDRESS OR LOCATION: 7051 S. Desert Blvd REP DISTRICT: 1
 ACREAGE: 48.283 47.36 PRESENT ZONING: R-F PRESENT LAND USE: vacant
 PROPOSED ZONING: C-4 PROPOSED LAND USE: To allow for regional commercial development

3. PARCEL TWO INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

4. PARCEL THREE INFORMATION

PROPERTY IDENTIFICATION NUMBER: _____
 LEGAL DESCRIPTION: _____
 STREET ADDRESS OR LOCATION: _____ REP DISTRICT: _____
 ACREAGE: _____ PRESENT ZONING: _____ PRESENT LAND USE: _____
 PROPOSED ZONING: _____ PROPOSED LAND USE: _____

5. ADDITIONAL INFORMATION

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):
 Printed Name: Thomas Rumptz Signature: Thomas Rumptz **THOMAS A. RUMPTZ**
 Printed Name: _____ Signature: _____ **SENIOR VICE PRESIDENT**
 Printed Name: _____ Signature: _____

Note: Signatures are required for all owners of record for the property proposed for rezoning. Attach additional signatures on a separate sheet of paper.

OFFICE USE ONLY		
ZON <u>07-000 11</u>	RECEIVED DATE: <u>02/05/07</u>	APPLICATION FEE: \$ <u>880.00</u>
DCC REVIEW DATE: <u>02/28/07</u> (8:30 am, Planning Department Conference Room, 2 nd Floor, City Hall Building)		
CPC REVIEW DATE: <u>03/15/07</u> (1:30 pm, City Council Chambers, 2 nd Floor, City Hall Building)		
ACCEPTED BY: <u>[Signature]</u>	FUND - 01101, DEPT ID - 99010335, ACCOUNT - 404126	

Revised 06/2004