

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

DEPARTMENT: Development Services Department, Planning Division

AGENDA DATE: Introduction: August 8, 2006
Public Hearing: August 29, 2006

CONTACT PERSON/PHONE: Melissa Granado, 541-4730

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 8, Nellie D. Mundy Survey No. 239, El Paso, El Paso County, Texas, from R-3 (Residential) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: North of Talbot Avenue and West of Interstate Highway 10. Applicant: El Paso Outlet Center, LLC. ZON06-00066 (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) – Approval Recommendation
City Plan Commission (CPC) – Unanimous Approval Recommendation (7-0)

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

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, EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) 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, El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on Exhibit "A", be changed from R-3 (Residential) to C-4 (Commercial), attached and incorporated by reference, 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 _____, 2006.

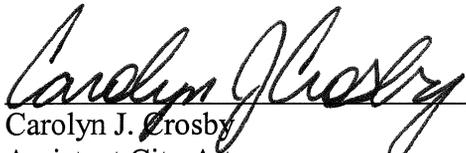
THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

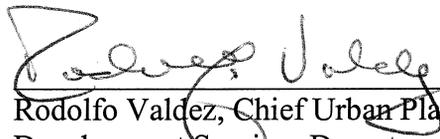
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Carolyn J. Crosby
Assistant City Attorney

APPROVED AS TO CONTENT:



Rodolfo Valdez, Chief Urban Planner
Development Services Department

Being a portion of Tract 8,
Nellie D. Mundy Survey No. 239,
City of El Paso, El Paso County, Texas
Prepared for: Sun Valley
July 12, 2006

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 8, Nellie D. Mundy Survey No. 239, City of El Paso, 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 3602.91 feet to a point on the intersection of the westerly right of way line of U.S. Interstate Highway No. 10 and the line between Nellie D. Mundy Surveys No 238 and 239; Thence along the westerly right of way line of U.S. Interstate Highway No. 10 South 00°00'45" West (S00°04'30" W TX DOT) a distance of 30.00 feet to a set ½" rebar with cap marked TX 5152 for the north east corner of tract 8, Nellie D. Mundy Survey No. 239 for THE "TRUE POINT OF BEGINNING";

Thence along the westerly right of way line of U.S. Interstate Highway No. 10, South 00°00'45" West (S 00°04'30" W TX. DOT) a distance of 1060.09 feet to a point;

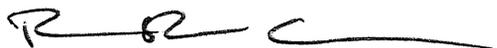
Thence continuing along said line South 15°00'45" West (S 15°04'30" W TX DOT) a distance of 495.95 feet to a point;

Thence leaving said line South 59°59'12" West a distance of 458.12 feet to a point on the El Paso City Limits Line;

Thence along said line North 00°00'45" East a distance of 1767.96 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°58'00" East a distance of 525.00 feet to the "TRUE POINT OF BEGINNING" and containing 18.89 acres of land more or less.

NOTE: Not a ground survey, Bearings basis is per deed in volume 1442, page 419, Real property records of El Paso County Texas


Ron R. Conde
R.P.L.S. No. 5152
Job# 406-14 R.C.

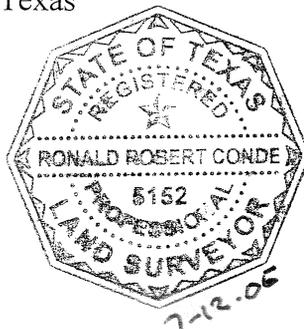


Exhibit "A"

JOHN COOK
MAYOR

JOYCE WILSON
CITY MANAGER

R. ALAN SHUBERT
DIRECTOR, DEVELOPMENT SERVICES



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: July 28, 2006

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

FROM: Melissa Granado, Planner

SUBJECT: ZON06-00066

The City Plan Commission (CPC), on July 6, 2006, voted **7-0** to recommend **APPROVAL** of rezoning the subject property from R-3 (Residential) 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, Location Map, Aerial Map, Site Plan

STAFF REPORT

Rezoning Case: ZON06-00066

Property Owner(s): Horizon Group Properties

Applicant(s): El Paso Outlet Center, LLC

Representative(s): Conde, Inc.

Legal Description: A portion of Tract 8, Nellie D. Mundy Survey No. 239

Location: North of Talbot Avenue and West of Interstate Highway 10

Representative District: # 1

Area: 18.89 Acres

Present Zoning: R-3 (Residential)

Present Use: Vacant

Proposed Zoning: C-4 (Commercial)

Proposed Use: Regional Commercial Development

Recognized Neighborhood Associations Contacted: Texas Apache Nations, Save the Valley, Coronado Neighborhood Association, Upper Mesa Hills Neighborhood Association

Surrounding Land Uses:

North -	R-3 (Residential) / Vacant
South -	C-4 (Commercial) / Vacant
East -	C-4/c (Commercial/conditions) / Vacant
West-	City Limits

Year 2025 Designation: Industrial, Commercial (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, JULY 6, 2006,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

REZONING APPLICATION: ZON06-00066

GENERAL INFORMATION:

The applicant is requesting a rezoning from R-3 (Residential) to C-4 (Commercial) in order to permit regional commercial development. The property is 18.89 acres in size and is currently vacant. The proposed site plan shows a parking lot to be located on the site that will serve a proposed outlet mall outside of the city limit. Access is proposed via South Desert Boulevard. There are no zoning conditions currently imposed on this property.

INFORMATION TO THE COMMISSION:

The Development Services Department – Planning Division has not received any calls or letters in support or opposition to this application.

STAFF RECOMMENDATION:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from R-3 (Residential) to C-4 (Commercial).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommends that El Paso “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Industrial, Commercial** land uses.

C-4 (Commercial) zoning permits regional commercial development and **is compatible** with adjacent development.

The Commission must determine the following:

1. Will C-4 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
2. Will regional commercial development be compatible with adjacent land uses?
3. What is the relation of the proposed rezoning to the City’s Comprehensive Plan?
4. What effects will the rezoning have on the natural environment, social and economic conditions, and property values in the vicinity and the city as a whole?

Information To The Applicant:

Development Services Department - Building Permits and Inspections Division Comments:

Zoning Review: Insufficient data to determine permitted uses and parking requirements on C-4 (Commercial) district.

Landscape Review: This project will not meet code as submitted. No landscape calculations or canopy trees for parking. Highly recommend a master plan or phase development addressing the whole parcel.

Development Services Department - Planning Division Comments:

Current Planning: Planning Division recommends approval of the rezoning request.

Subdivision Review:

1. ADA accessible Sidewalks, Wheel-chair ramp(s), and Driveway(s) will be required. *
2. Grading plan and permit shall/may be required. *
3. Storm Water Pollution Prevention plan and/or permit shall/may be required. *
4. Drainage plans must be approved by the City Engineer. *
5. Coordination with TXDOT. *
6. No water runoff allowed outside the proposed development boundaries. *
7. Additional Comments: Site location is located within a Special Flood Hazard Area, Flood Zone(s) **A2, B & C**, Panel(s) **480214 0011 C**. Coordination with FEMA and the USACoE will be required prior to development.

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

Engineering Department - Traffic Division Comments:

No traffic concerns with the proposed rezoning from R-3 to C-4.

Fire Department Comments:

No comments received.

El Paso Water Utilities Comments:

Water:

There is an existing 60-inch diameter water transmission main located within a permanent 30-foot easement along Desert South Boulevard. This 60-inch water main is located approximately 12- feet west of and parallel to the westernmost Desert South Boulevard right-of-way line. Also, there is an existing 16-inch diameter water main within the above-described easement. This 16-inch water main is located 5-feet west of and parallel to the westernmost Desert South Boulevard right-of-way line. No direct service meter connections are allowed to the 60-inch water main as per the El Paso Water Utilities-Public Service Board Rules and Regulations. The owner shall minimize any grading above or near the existing water mains within the easement.

From the intersection of Talbot Avenue and Burns Street, along Talbot Avenue towards the east there is an existing 8-inch diameter water main. This is a low pressure main; this main dead-ends approximately 970-feet east of Burns Street.

Along Talbot Avenue between Burns Street and Interstate Highway No. 10, there is an existing 12-inch high-pressure water main.

EPWU anticipates providing service from the above-described 12-inch water main. The Owner/Developer is responsible for all water main extension costs.

In the event that the City of El Paso Fire Department requires additional fire hydrants or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service.

The subject property is located within an intermediate pressure zone. Pressure reducing and pressure relief valves will be required within the water distribution system. In addition, private water pressure regulating devices will be required at every water meter within the proposed development. The Developer shall include in the sale of contract documents that the lot buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. The lot buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

Additionally, the water system may need to be looped depending on the street design.

Sanitary Sewer:

There is an existing 15-inch diameter sanitary sewer main along Desert South Boulevard right-of-way fronting the subject property. This sewer main is located approximately 8-feet east of and parallel to the westernmost Desert South Boulevard right-of-way line.

Within the existing mobile home park along Road "A" there is an existing 8-inch diameter sanitary sewer main. This main dead-ends at an existing manhole located at the immediate vicinity of the southernmost right-of-way line of Talbot Avenue. This portion of the sanitary sewer collection system conveys wastewater towards the south to the existing Easy Way lift station system.

The El Paso Water Utilities conducted a study to determine sanitary sewer service for areas located in Far West El Paso. The study recommends the construction of a relief sewer line (Mowad Interceptor) along Vinton Avenue and then towards the south. An easement along the subject property, aligned with Seventh Street, may be requested at the time of platting. This easement is needed to accommodate the above mentioned sewer relief line. The Owner will be responsible for a portion of the cost, based on a pro-rated share, of the Mowad Interceptor, which will serve the property permanently.

The El Paso Water Utilities requires complete final grading plans before committing to provide sanitary sewer service to this proposed development.

General:

The El Paso Water Utilities supports voluntary annexation to the City of El Paso. The property should be annexed by the City of El Paso and annexation fees paid, prior to EPWU-PSB providing water and sanitary sewer service to the area.

No building, reservoir, structure or other improvement, other than asphalt paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB) without the written consent of EPWU-PSB.

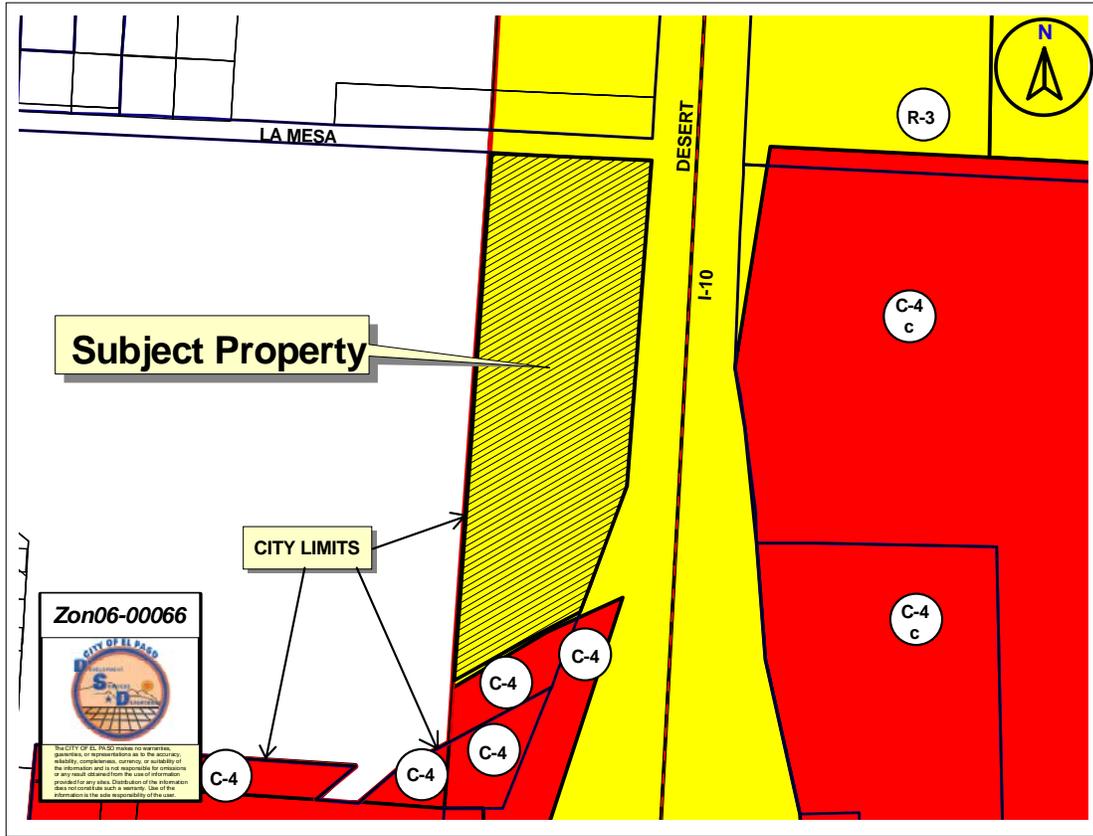
All proposed utility work to be performed within a Texas Department of Transportation (TxDOT) right-of-way requires a utility installation permit from TxDOT.

EPWU does not object to this request. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. El Paso Water Utilities requires a finalized set of improvement plans including drainage and grading plans to initialize the design of the water and sanitary sewer main extensions to serve subject property. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances. Furthermore, application for services for subject subdivision must be made in conjunction with the request for water and sanitary sewer main extensions. The improvement plans should include a site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance.

ATTACHMENT: Location Map, Aerial Map, Site Plan

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION AT (915) 541-4056.

LOCATION MAP



AERIAL MAP

