City of El Paso – City Plan Commission Staff Report
REVISED

Case No:	PZCR13-00012
Application Type:	Condition Release
CPC Hearing Date:	March 13, 2014
Staff Planner:	Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location:	10400 Montwood Drive
Legal Description:	Lots 1 and 2, Block 1, Eastwood Heights Unit V, Replat "C", City of El Paso, El Paso County, Texas
Acreage:	1.69 acres
Rep District:	7
Current Zoning:	C-1/sc (Commercial/Special contract)
Existing Use:	Bank
C/SC/SP/ZBA/LNC:	Yes
Request:	Release of all conditions imposed by Ordinance No. 3962, Ordinance No. 4976, and Ordinance No. 5237
Property Owner:	WestStar Bank
Representative:	Conde, Inc.

SURROUNDING ZONING AND LAND USE
North: C-1 (Commercial) / Gas Station
South: R-3 (Residential) / Single Family Homes
East: C-1/sc (Commercial/special contract) / Offices
West: R-3 (Residential) / Single Family Homes

PLAN EL PASO DESIGNATION: G-3 Post-War (East Planning Area)
NEAREST PARK: Reese McCord Park (3,019 feet)
NEAREST SCHOOL: Eastwood Heights Elementary School (1,910 feet)

NEIGHBORHOOD ASSOCIATIONS
Eastside Civic Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on February 27, 2014. The Planning Division has not received any letters or phone calls in support or opposition of the condition release request.

APPLICATION DESCRIPTION
The request is to release all conditions imposed by Ordinance No. 3962, dated May 9, 1968, Ordinance No. 4976, dated November 29, 1972, and Ordinance No. 5237, dated January 18, 1974. The contract conditions require: (1) approval of a detailed site plan by the City Plan Commission, (2) submission of a traffic plan before building permits are issued, (3) platting of the property, and (4) limiting the use of the property to a savings and loan association.

CITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION RECOMMENDATION
The Planning Division recommends **approval with a condition** of the condition release request. Planning recommends releasing the conditions imposed limiting the use of the property to only a financial institution, detailed site plan review, platting before building permits, and submission of a traffic plan as they are no longer necessary. Planning also recommends that a condition be imposed requiring a 10' landscape buffer adjacent to any residential, in addition to landscaping required per City Code. Located at the intersection of two major

arterials, and existing among similar neighborhood serving commercial properties, the subject property is appropriate for the full range of C-1 uses. The landscaping condition is appropriate given the adjacency of residential properties.

Plan El Paso-Future Land Use Map Designation
All applications shall demonstrate compliance with the following criteria:

G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. 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.

The purpose of the C-1 (Commercial) district 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.

COMMENTS:

City Development Department – Planning Division - Transportation
No objections to the condition release.

Note:
All existing / proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction.

City Development Department - Land Development
No objections.

City Development Department – Building Permits & Inspections
No objections to proposed condition release.

El Paso Fire Department
No objections.

El Paso Water Utilities
We have reviewed the above referenced request and provide the following comments:

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

1. There is an existing 4-inch diameter water main that extends along Yarbrough Dr. from Ridgewood Ave. north 230 feet. The main is located approximately 45.5 feet east of street centerline. This main is available for service.

2. There is an existing 12-inch diameter raw, un-chlorinated water transmission main (flow line) that extends along Yarbrough Dr. located approximately 20 feet east of street centerline. No connections to this main are allowed.

3. There is an existing thirty six (36) inch diameter water transmission main along Yarbrough Dr. located approximately 35 feet east of street centerline. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.

4. There is an existing twenty four (24) inch diameter water distribution main along Montwood Dr. located approximately 30 feet north of street centerline. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.

5. EPWU records show an active 1 ½-inch meter service serving the subject property.

Sanitary Sewer:

1. There is an existing eight (8) inch diameter sanitary sewer main that extends along Yarbrough Dr. The main is located approximately 5 feet west of the street centerline. This main is available for service

2. There is an existing eight (8) inch diameter sanitary sewer main that extends along Montwood Dr. The main is located approximately 25 feet south of the street centerline. This main is available for service.

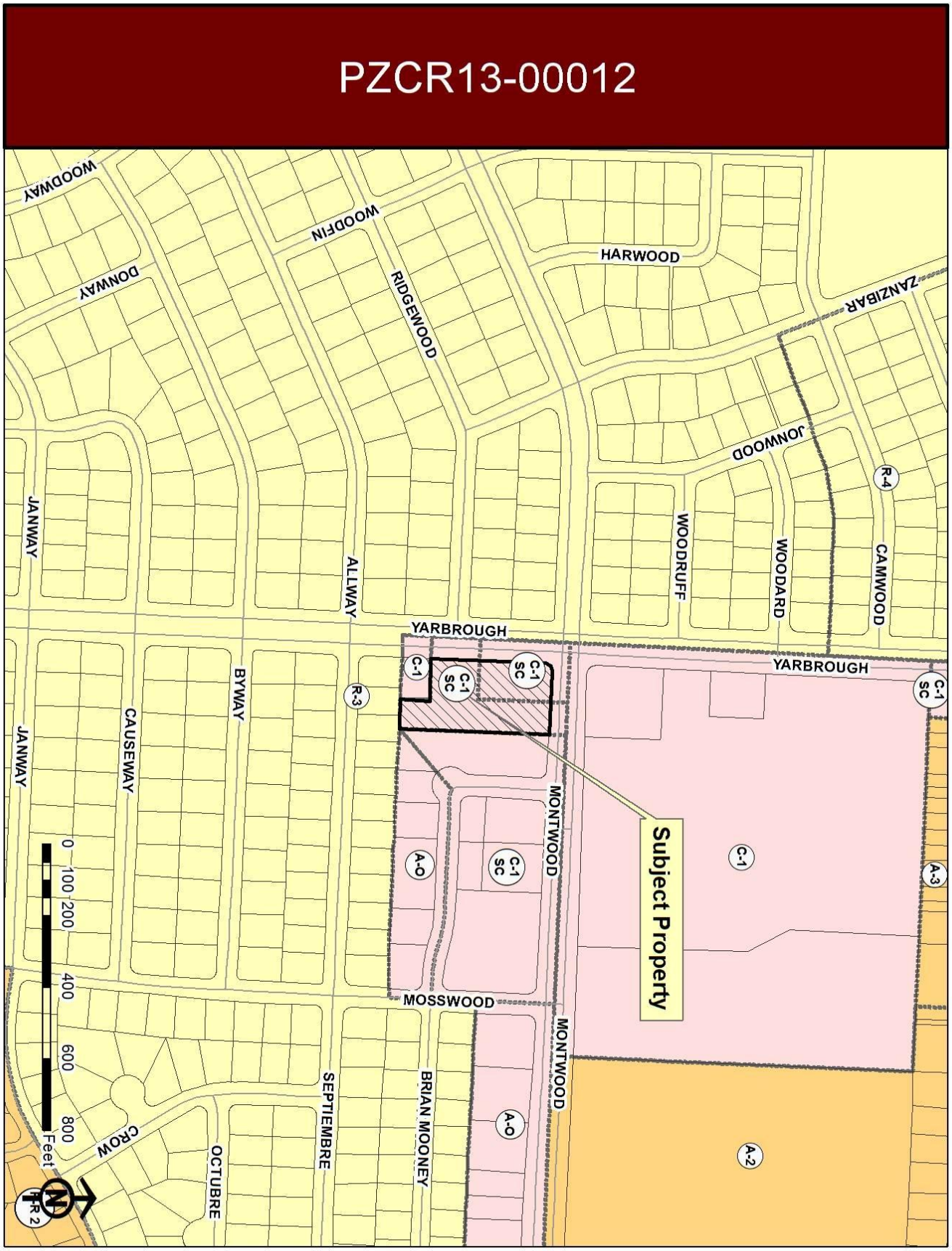
General

1. Application for new water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner 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.

Attachments

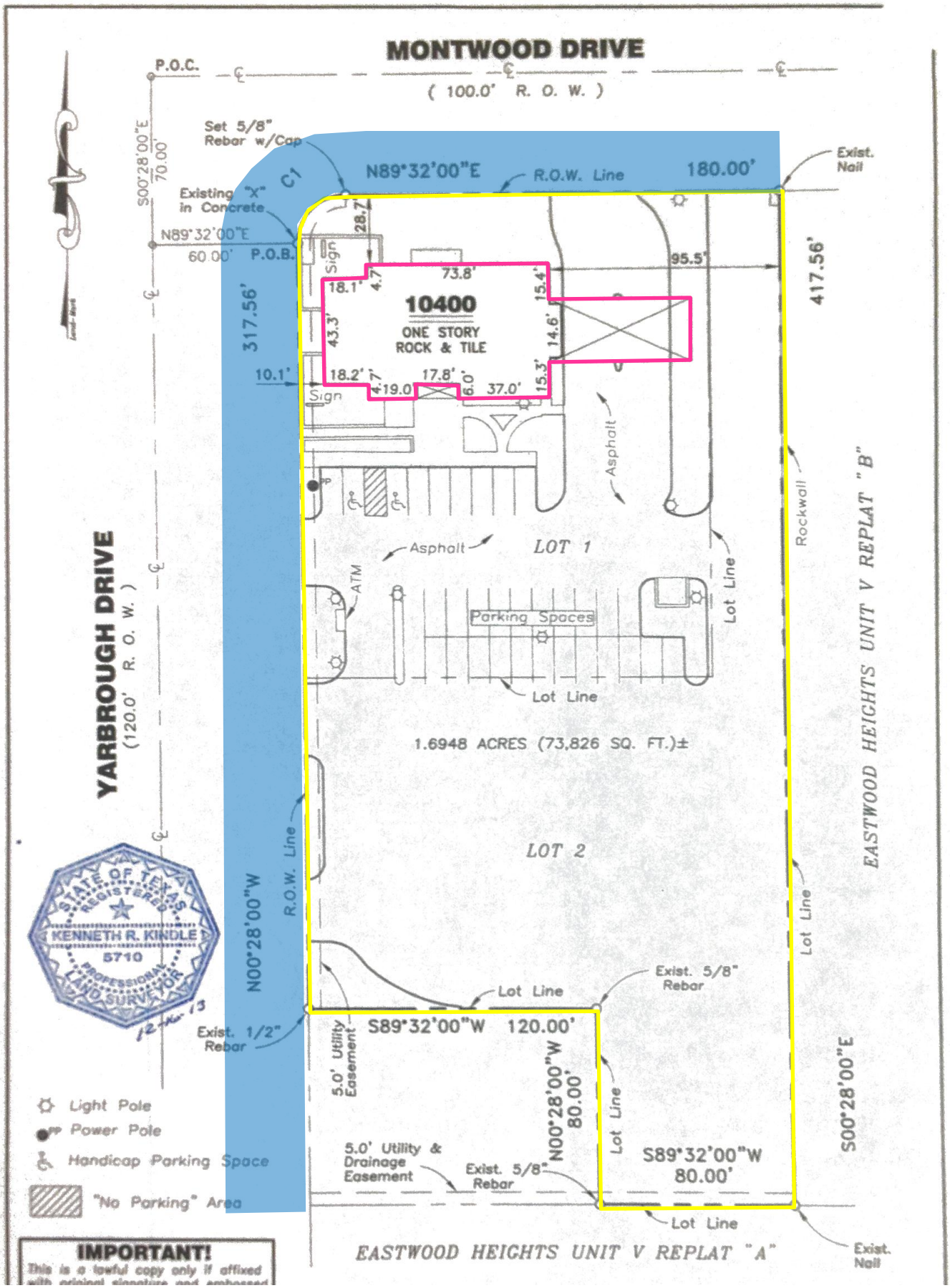
1. Zoning Map
2. Aerial Map
3. Improvement Survey
4. Ordinance No. 3962, dated May 9, 1968
5. Ordinance No. 4976, dated November 29, 1972
6. Ordinance No. 5237, dated January 18, 1974

ATTACHMENT 1: ZONING MAP



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: IMPROVEMENT SURVEY



ATTACHMENT 4: ORDINANCE 3962, DATED MAY 9, 1968

northwesterly corner of Tract 3C;

Thence South 11° 21' 08" East along the westerly line of Tract 3C, a distance of 564.94 feet;

Thence South 54° 07' East along
distance of 134.42 feet;

Thence South 35° 53' West along
distance of 600.00 feet to the point of begi
acres of land, more or less.

In order to remove certain objec
tion covenant that if said property is rezo
F to A-O (Apartment-Office), the zoning
mercial), and the zoning of Parcel J to C-
be subject to the following restrictions:

(1) No development of any kind will be done on the property until complete and detailed plans have been submitted to the City Plan Commission of the City of El Paso.

(2) No building permits will be issued until subdivision maps of the property are approved and filed for record.

This agreement is a restriction, condition and covenant running with the land, and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restriction and covenant in its discretion without the consent of any third person who may be benefited thereby.

Witness the following signatures and seals:

BOWDEN SAND AND GRAVEL COMPANY

(1) No development of any kind will be done on the property until complete and detailed plans have been submitted to the City Plan Commission.
(2) No building permits will be issued until subdivision maps of the property are approved and filed for record.

ATTACHMENT 5: ORDINANCE 4976, DATED NOVEMBER 29, 1972

CONTRACT

This contract, made this 29th day of November, 1972, by and between Leavell Development Company, a corporation, First Party, and the City of El Paso, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Lot 18, Block 113, Replat A, Eastwood Heights Unit V (Vee) in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 4976, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

1. The property shall be used only as a site for a savings and loan association building or for another use presently permitted in A-O districts under Section 25-26 of the El Paso City Code. No building shall be erected on the property or structurally altered which is arranged or designed for other than such permitted uses.

2. No building permits shall be issued for construction on the property until a traffic plan showing proposed ingress and egress for vehicular traffic has been approved by the Director of Traffic and Transportation of the City of El Paso.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the

ATTACHMENT 6: ORDINANCE 5237, DATED JANUARY 18, 1974

CONTRACT

This contract, made this 9 day of January, 1974, by and between LEAVELL DEVELOPMENT COMPANY, a corporation, First Party, and the CITY OF EL PASO, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Lot 18, Block 113, Replat A Eastwood Heights Addition Unit V (Vee) [redacted] in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 5237, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, no building permits shall be issued for construction on the property until site development and architectural plans of the proposed development have been approved by the City Plan Commission of the City of El Paso.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS the following signatures and seals:

LEAVELL DEVELOPMENT COMPANY,