



## City of El Paso – City Plan Commission Staff Report

\*\*\*\*REVISED\*\*\*\*

**Case No:** SUSU16-00028 Northgate McDonald's Subdivision  
**Application Type:** Major Combination  
**CPC Hearing Date:** June 2, 2016  
**Staff Planner:** Joaquin Rodriguez, (915) 212-1608  
[rodriguezjx3@elpasotexas.gov](mailto:rodriguezjx3@elpasotexas.gov)  
**Location:** West of Dyer and North of Diana  
**Acreage:** 3.662  
**Rep District:** 4  
**Existing Use:** Commercial  
**Existing Zoning:** C-3 (Commercial)  
**Proposed Zoning:** C-3 (Commercial)  
**Nearest Park:** Student Medical Park (.58 Miles)  
**Nearest School:** Irvin High School (.44 miles)  
**Park Fees Required:** \$3,660  
**Impact Fee Area:** N/A  
**Property Owner:** McDonald's Real Estate Company  
**Applicant:** McDonald's Real Estate Company  
**Representative:** Skyline Civil Group

### **SURROUNDING ZONING AND LAND USE**

**North:** C-3 (Commercial) / Shopping Center  
**South:** C-3 (Commercial) / Plant Nursery  
**East:** C-3/sc (Commercial/special condition) / Shopping Center  
**West:** C-3 (Commercial) / Vacant

**PLAN EL PASO DESIGNATION:** G3, PostWar

### **APPLICATION DESCRIPTION**

The applicant is proposing to subdivide approximately 3.6 acres in the City's Northeast for 2 commercial lots. Both lots will have access via Dyer Street. The applicant will be installing new sidewalk and parkway along the northern 75 feet of lot one within 5 feet of newly dedicated right-of-way along Dyer. This application was reviewed under current subdivision ordinance.

The applicant is requesting approval of the following:

1. A waiver to the required hike and bike improvements to Dyer ROW, the applicant will install 5 foot sidewalks in lieu of the 10 foot hike and bike path.

2. An exception to allow for the length of a commercial panhandle lot to exceed 100 feet
3. A waiver to the required right-of-way dedication to the southern 134.35 feet of the proposed subdivision along Dyer Street.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends approval of Northgate McDonald's Subdivision on a Major Combination basis subject to the following comments.

#### **Planning Division Recommendation**

Planning recommends approval of Northgate McDonald's Subdivision subject to the following comments:

Planning recommends approval of the request to waive improvements related to the hike and bike along Dyer Street and approval of the request to waive a portion of the required dedication along Dyer in accordance with 19.10.050(A):

1. *The City Plan Commission may waive such requirements to provide rights-of-way or street improvements to adjacent substandard roads based on any of the following factors:*
  - a. *Fifty per cent of the lots within a quarter mile of the proposed development have already been developed and the existing street improvements are in character with the neighborhood; or,*

Planning recommends approval of the exception to allow for a commercial panhandle in excess of 100 feet, pursuant to section 19.48. Development is not planned at this time for the lot in question. Any future development will be in accordance with all applicable restrictions regarding vehicle maneuverability and emergency vehicle access to the rear lot.

#### **Planning and Inspections Department - Land Development**

We have reviewed subject plats and recommend **Approval**.

The Developer/Engineer shall address the following comments.

- **No Objections**

- ~~1. Add to general notes on final plat: "The retention of the difference between Historic and Developed Storm water runoff discharge volumes shall be retained within subdivision limits (DSC, 19.19.010A (DDM, 11.1)). Historic storm water runoff rates must not be exceeded."~~
- ~~2. Coordinate with TXDOT for drainage and ROW requirements.~~
- ~~3. Storm sewer cannot flow into Dyer St.; state roads are not designed to carry outside storm sewer flow; please coordinate with TXDOT.~~
- ~~4. Show Dyer St. street cross section and label the slope and direction.~~

#### **Capital Improvement Program – Parks**

We have reviewed **Northgate McDonalds Addition**, a minor plat map and on behalf of CID Parks Planning Division we offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "C-3" meeting the requirements for Non-residential uses as well as for Multi-family dwellings use restricted to a maximum of 29 dwelling units per

acre therefore "Park fees" will be assessed based on the following:

1. **If** applicant is proposing a Non-residential use, covenants need to be provided restricting all residential uses and **if** gross density waiver is granted by the City Manager of the Planning Department designee, then Applicant shall be required to pay "Park fees" at a rate of **\$1,000.00** per acre or portion thereof.
2. **If** applicant is proposing a Residential use, covenants need to be provided restricting the number of dwelling units and **if** gross density waiver is granted by the City Manager of the Planning Department designee, then Applicant shall be required to pay "Park fees" at a rate of **\$680.00** per dwelling unit.

Please allocate generated funds under Park Zone: **NE-3**

Nearest Parks: **Skyline Youth** & **Sue Young**

**Capital Improvement Program – Transportation**

No comments received.

**El Paso Water Utilities**

We have reviewed the subdivision referenced above and provide the following comments:

1. EPWU does not object to this request.
2. Dyer St. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer St. right-of-way requires written permission from TxDOT.

**Water**

3. There is an existing 8-inch diameter water distribution main that extends along Dyer St., located approximately 34.5 feet east of the right of way centerline. This water main is available for service.
4. Previous water pressure readings from fire hydrant # 4091 located approximately 430 feet north of the intersection of Times Ln. and Dyer St. has yielded a static pressure of 102-psi, a residual pressure of 98-psi, and a discharge of 1,463-gpm.
5. 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.
6. EPWU records indicate there is an existing 1-inch domestic water meter service associated to the subject property with the following address of 9461 Dyer St.

**Sanitary Sewer**

7. There is an existing 15-inch diameter sanitary sewer main that extends along Dyer St. located approximately 20 feet west of the right of way centerline. This sewer main is available for service.
8. EPWU records indicate there is an existing 4-inch sanitary sewer services associated to proposed lot 1, with the following address of 9461 Dyer St. The service is located approximately 64 feet north from the manhole on the intersection of Dyer St. and Times Ln.

## **General**

1. Service to lot 2 be provided at the entrance of panhandle lots. Water and sanitary sewer service shall be provided at the property line adjacent to the public right-of-way. No vehicular traffic is allowed over the water meter boxes. Extension of service (privately-owned service line) to each dwelling unit shall be the responsibility of the customer. The Owner is to provide the locations for the water service outside of the driveway.
2. EPWU-PSB requests that the lots be graded such that sanitary sewer service to the lot can be provided via a gravity system.
3. If the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/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 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.
4. An application for additional water and sanitary sewer services should be submitted 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3<sup>rd</sup> Floor. 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 EPWU – 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.

### **Streets and Maintenance Department**

No comments received.

### **El Paso Electric Company**

No comments Received.

### **Sun Metro**

Sun Metro does not oppose this request.

### **El Paso County 911 District**

No comments received.

**El Paso Fire Department**

No comments received.

**Central Appraisal District**

No objections.

**Texas Gas Company**

No comments received.

**Additional Requirements and General Comments:**

1. Submit to the Planning and Inspections Department – Planning Division the following prior to recording of the subdivision.
  - a. Current certified tax certificate(s)
  - b. Current proof of ownership
  - c. Release of access document, if applicable
  - d. Set of restrictive covenants, if applicable
2. Every subdivision shall provide for postal delivery service. The subdivider shall coordinate the installation and construction with the United States Postal Service in determining the type of delivery service for the proposed subdivision. In all cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

**Attachments**

1. Location map
2. Aerial map
3. Final Plat
4. Preliminary Plat
5. Application
6. Exception Request

ATTACHMENT 1

NORTHGATE MCDONALD'S ADDITION



ATTACHMENT 2

NORTHGATE MCDONALD'S ADDITION







# ATTACHMENT 5



## CITY PLAN COMMISSION APPLICATION FOR MAJOR COMBINATION SUBDIVISION APPROVAL

DATE: 05/12/2016 FILE NO. \_\_\_\_\_

SUBDIVISION NAME: Northgate McDonald's Addition

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
"Lot 1 - 1.131 Acres and Lot 2 - 2.521 Acres, and a 416 S.F. R.O.W. Dedication" being a replat of tracts 8A, 8B-2 and 8C, Block 81, Township 2, Section 1, Texas and Pacific Railroad Surveys, City and County of El Paso, TX - 3.662 total acres.

2. Property Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	_____	_____	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	<u>VACANT LAND</u>	<u>2.521</u>	<u>1</u>
School	_____	_____	Total No. Sites	_____	<u>2</u>
Commercial	<u>1.131</u>	<u>1</u>	Total (Gross) Acreage	_____	<u>3.652</u>
Industrial	_____	_____			

3. What is existing zoning of the above described property? C-3 Proposed zoning? C-3

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? N/A - COMMERCIAL ONLY

5. What type of utility easements are proposed: Underground X Overhead \_\_\_\_\_ Combination of Both \_\_\_\_\_

6. What type of drainage is proposed? (If applicable, list more than one)

7. SHEET FLOW, SMALL ON-SITE PONDING FOR THE McDONALD'S RESTAURANT TRACT.

7. Are special public improvements proposed in connection with development? Yes \_\_\_\_\_ No X

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes \_\_\_\_\_ No X  
 If answer is "Yes", please explain the nature of the modification or exception N/A

9. Remarks and/or explanation of special circumstances: N/A

10. Improvement Plans submitted? Yes X - McDONALD'S DEMO/REBUILD BCNN16-00041 No \_\_\_\_\_

11. Will the proposed subdivision require the city to review and decide whether this application is subject to the standards in effect prior to the effective date of the current applicable standards? Yes \_\_\_\_\_ No X

If yes, please submit a vested rights petition in accordance with Title 1 (General Provisions) Chapter 1.04 - Vested Rights

City Development Department  
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

12. Owner of record: McDonald's Real Estate Company d/b/a (Deleware) McDonald's Real Estate Company, a Delaware Corporation, One McDonald's Plaza, Oak Brook, IL 60523 (ATTN: US Legal L/C: 042-0021) - (630) 623-8817  
 (Name & Address) (Zip) (Phone)
13. Developer: Same as Owner  
 (Name & Address) (Zip) (Phone)
14. Engineer: Skyline Civil Group - Stephen Marcum, 112 S. Loaraine St., STE 112, Midland, TX 79701 (432) 230-4081  
 (Name & Address) (Zip) (Phone)  
 McDonald's Real Estate Company d/b/a (Delaware)  
 McDonald's Real Estate Company, a Delaware corporation  
 OWNER SIGNATURE: *S. Upadhye*  
 REPRESENTATIVE: Shilpa Upadhye, Senior Counsel  
 L/C: 042-0021

*\*Effective September 1, 2014, a 3% Technology fee has been added to all Planning application fees.*

*REP. - Stephen T. Marcum 5/12/16*  
*Stephen T. Marcum*

**NOTE: SUBMITTAL OF AN APPLICATION DOES NOT CONSTITUTE ACCEPTANCE FOR PROCESSING UNTIL THE PLANNING DEPARTMENT REVIEWS THE APPLICATION FOR ACCURACY AND COMPLETENESS.**

City Development Department  
 811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

## ATTACHMENT 6

May 23, 2016

Joaquin Rodriguez, CNU-A, Planner, Subdivisions  
Planning & Inspections – Planning Division – City of El Paso - 801 Texas Avenue – El Paso, TX 79901 - (915) 212-1608

RE: Northgate McDonald's Addition - Comment Response (original comments attached)

Mr. Rodriguez,

Thank you for your recent Major Combination Plat review and comments. Below we are requesting three exceptions from The City Plan Commission.

1. **An exception to the requirements of 19.23.040(C) to allow for a commercial panhandle to exceed one hundred feet.**
  - Rational – The tract of land with Dyer Street access provided by the 30' wide panhandle is currently and planned to remain vacant at this time. When developed (commercial use only per plat covenants), plentiful space is available for large trucks to turnaround without hindering development space. When necessary, the future development would be reviewed for a building permit to ensure proper emergency and large vehicle access and maneuvering space.
2. **An exception to improvements related to the required 10 foot hike and bike trail along Dyer.**
  - Rational – TXDOT has approved and permitted construction plans without the 10 foot hike and bike trail or ROW dedication. Also, there are no current trails within the near vicinity of the proposed development. Improvements would not properly "tie in" or provide a continual route for bikers and pedestrians.
3. **An exception to the improvements related to the 5' ROW Dedication along the full frontage of Dyer, and that the sidewalk and landscape buffer along Dyer be relocated per the attached comment letter.**
  - Rational – TXDOT has approved and permitted proposed construction plans with only a portion of the ROW dedicated to properly "tie in" proposed sidewalk improvements, while also maintaining proper ADA accessibility. Only a portion of dedication is proposed due to detention/drainage requirements per TXDOT and City of El Paso Land Development. Dedicating the additional ROW would require reduction in proposed detention pond volume causing post developed storm water to increase flow to Dyer Street. Due to the existing lot width, there are no other locations available for ponding/detention in order to meet McDonald's and The City of El Paso's Development Standards in regards to parking and drive lane widths. There is also an existing high pressure gas main/easement currently inside McDonald's property frontage that will not allow any shift of the detention pond in order to keep excavation and exposure minimal near the gas main. Lastly, the proposed sidewalk location aligns with all recent development within the near vicinity as previously coordinated with City of El Paso Landscape and Land Development Staff.

Please let me know if there are any questions, or if anything else is needed for review/staff approval.

Sincerely,



Stephen T. Marcum, P.E., President  
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