



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

**(REVISED)**

**Case No:** SUSU16-00026 CVS Montana Subdivision  
**Application Type:** Resubdivision Combination  
**CPC Hearing Date:** June 2, 2016  
**Staff Planner:** Vanessa Munoz, (915) 212-1644, [munozvx@elpasotexas.gov](mailto:munozvx@elpasotexas.gov)  
**Location:** North of Montana and West of Chelsea  
**Acreage:** 1.3585  
**Rep District:** 2  
**Existing Use:** Commercial and Residential  
**Existing Zoning:** R-4/SP, C-2/SP, C-2 (Residential/Special Permit)  
(Commercial/Special Permit) (Commercial)  
**Proposed Zoning:** C-1  
**Nearest Park:** Mesa Terrace (0.43 miles)  
**Nearest School:** Hillside Elementary (0.67 miles)  
**Park Fees Required:** \$1,360.00  
**Impact Fee Area:** N/A  
**Property Owners:** El Paso West Airport, Ltd.  
William & Johanna Welsh  
**Applicant:** First Hartford Realty Corporation  
**Representative:** Linfield, Hunter & Junius, Inc.

**SURROUNDING ZONING AND LAND USE**

**North:** C-1 (Commercial) / Vacant  
**South:** C-1 (Commercial) / Restaurant  
**East:** C-1 (Commercial) / Pharmacy  
**West:** R-4 (Residential) / Residential Development and C-2 (Commercial) / Restaurant

**PLAN EL PASO DESIGNATION:** G4 Suburban (Walkable)

**APPLICATION DESCRIPTION**

The applicant proposes to resubdivide 1.3585 acres for one commercial lot. Primary access to the subdivision is proposed from Montana Avenue and Chelsea Street. There is a special permit allowing a convalescent home. This home as well as a restaurant and animal clinic are expected to be removed. A rezoning application (PZRZ16-00005) has been submitted for this property rezoning it to commercial. This development was reviewed under the current subdivision code.

The applicant is requesting the following exceptions:

- To waive the required roadway improvements for Montana Avenue, Cardon Street, and Chelsea Street.

The applicant is dedicating their proportionate share of ROW by adding 5' to Montana Avenue, 1' to Cardon Street, and 4' to Chelsea Street.

**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** of the exception request as per Section ~~19.48.030.A.1-8~~. 19.10.050.A.1.a. and **approval** of CVS Montana Subdivision on a resubdivision combination basis.

**Planning Division Recommendation:**

**Approval** of the exceptions requested. As per Section 19.10.050.A.1.a. (Roadway participation policies – Improvement of roads and utilities within and or abutting the subdivision):

*A. Improvement of the proportional share of a substandard road within or abutting the subdivision. When an area within a proposed plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road, drainage or utility facility as shown on the city's thoroughfare plan and/or adopted plans related to water and wastewater, the developer shall be required to improve the development's proportional share of the road (including appurtenant sidewalks, bike lanes, barrier-free ramps, storm drainage facilities, screening and landscaping, medians and landscaping where required, median openings, left turn lanes, and water quality or erosion controls), the traffic mitigation (including signalization, medians, access and deceleration lanes) and utility facilities, to bring the facilities to city standards, or to replace them with standard city road, traffic mitigation or utility facilities as determined by a traffic or other public facilities impact study. The study, if required, shall be at no cost to the city unless it is used to determine rough proportionality in accordance with this title, in which case the study will be provided by the city.*

*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,*

**Approval** of CVS Montana Subdivision.

**Planning and Inspections Department - Land Development**

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

The Developer/Engineer shall address the following comments.

- ~~1. Show any proposed easements to be dedicated by this plat.~~
- ~~2. At the improvement plan stage, provide protection to the subdivision from all offsite stormwater runoff that may have an adverse impact on any improvements.~~
- ~~3. Proposed ROW improvements must not encroach into private property line. Proposed~~

~~sidewalks for Cardon and Chelsea must be built abutting property line.~~

1. No objections.

**Parks and Recreation Department**

We have reviewed **CVS Montanan Subdivision**, a resubdivision combination 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-2, C-2/sp, & R-4/sp" meeting the requirements for Non-residential uses (Commercial) as well as for Multi-family dwellings use (Apartments) restricted to a maximum of 29 dwelling units per acre however, Applicant has submitted copy of preliminary covenants restricting the use to Non-residential (General commercial) therefore, "Park fees" will be assessed as follows:

1. If applicant provides copy of final signed/recorded covenants restricting the use to Non-residential (General commercial) and if gross density waiver is granted by the City Manager or the Planning Department designee, then Applicant shall be required to pay "Park fees" in the amount of **\$1,360.00** based on Non-residential subdivision requirements calculated as follows:

Non-residential acreage 1.36 (rounded to 2 decimals) @ \$1,000.00 / acre = **\$1,360.00**

Please allocate generated funds under Park Zone: **C-6**

Nearest Parks: **Mesa Terrace** & **Raynolds Medians**

If density/acreage is increased /decreased or the property zoning /use changes, then "Park fees" will be re-assessed based on applicable conditions.

**El Paso Water Utilities**

We have reviewed the subdivision and provide the following comments:

**Water:**

There is an existing 20-inch diameter water transmission main located along the north side of Montana Avenue, approximately 20-feet south of and parallel to the northern right-of-way line of Montana Avenue. No direct service connections are allowed to this water transmission main.

There is an existing 6-inch diameter water main located along the north side of Montana Avenue, approximately 27-feet south of and parallel to the northern right-of-way line of Montana Avenue. Water service connections are allowed to this water main.

There is an existing 12-inch diameter water transmission main (flow line) located along the north side of Montana Avenue, approximately 30-feet south of and parallel to the northern right-of-way line of Montana Avenue. No direct service connections are allowed to this main (flow line).

There is an existing 6-inch diameter water main located along the east side of Cardon Street, approximately 15-feet west of and parallel to the eastern right-of-way line of Cardon Street. Water service connections are allowed to this water main.

There is an existing 8-inch diameter water main located along the east side of Chelsea Street, approximately 25-feet west of and parallel to the eastern right-of-way line of Chelsea Street. Water service connections are allowed to this water main.

EPWU records indicate there are three (3) existing ¾-inch water meters serving to the proposed subject property from 6-inch water main on Cardon Street. The service addressees for the water meters are 5305 Montana Avenue (active), 1015 Chelsea Street (vacant) and 1012 Cardon Street (vacant).

Previous water pressure readings conducted on fire hydrant number 1634 located at the corner of Montana Avenue and Cardon Street have yielded a static pressure of 130 pounds per square inch (psi), residual pressure of 120 psi, discharge of 1,547 gallons per minute (gpm).

**Sanitary Sewer:**

There is an existing 10-inch diameter sanitary sewer main located along the south side of Montana Avenue, approximately 20-feet north of and parallel to the southern right-of-way line of Montana Avenue. Direct service connections are allowed to this sanitary sewer main.

There is an existing 8-inch diameter sanitary sewer main located along the west side of Cardon Street, approximately 20-feet east of and parallel to the western right-of-way line of Cardon Street. Direct service connections are allowed to this sanitary sewer main.

There is an existing 8-inch diameter sanitary sewer main located along the west side of Chelsea Street, approximately 32-feet east of and parallel to the western right-of-way line of Chelsea Street. Direct service connections are allowed to this sanitary sewer main.

**Reclaimed Water:**

There is an existing 30-inch diameter reclaimed water main located along the west side of Chelsea Street, approximately 18-feet east of and parallel to the western right-of-way line of Chelsea Street. No service connections are allowed to this reclaimed water main.

**General:**

EPWU requires a new service application to provide addition service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. 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.

**Central Appraisal District**

No objections.

**El Paso Department of Transportation Streets and Maintenance**

No objections.

**Sun Metro**

No comments received.

**El Paso County 911 District**

No comments received.

**El Paso Electric Company**

No comments received.

**El Paso Fire Department**

No comments received.

**Texas Gas Company**

No comments received.

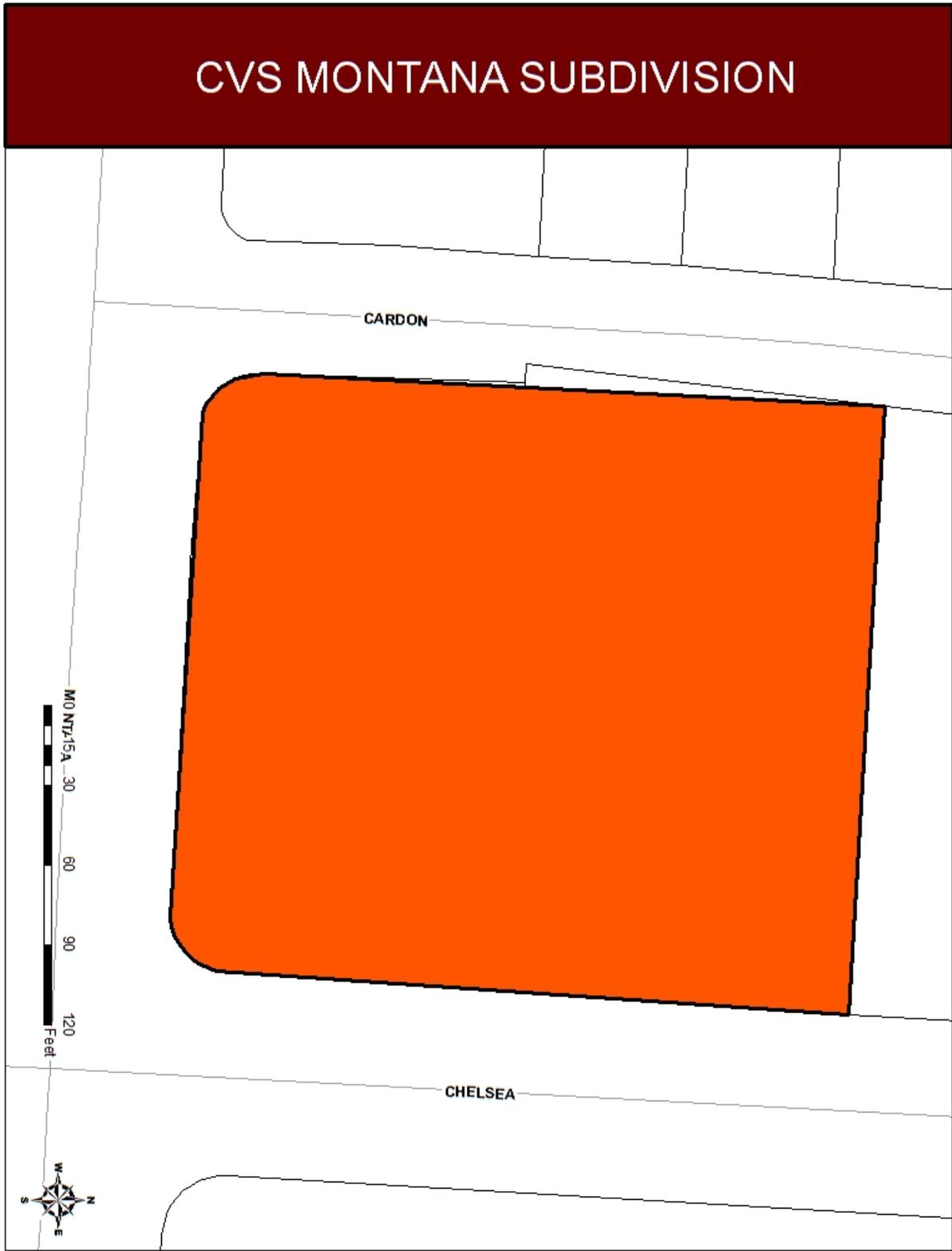
**Additional Requirements and General Comments:**

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**

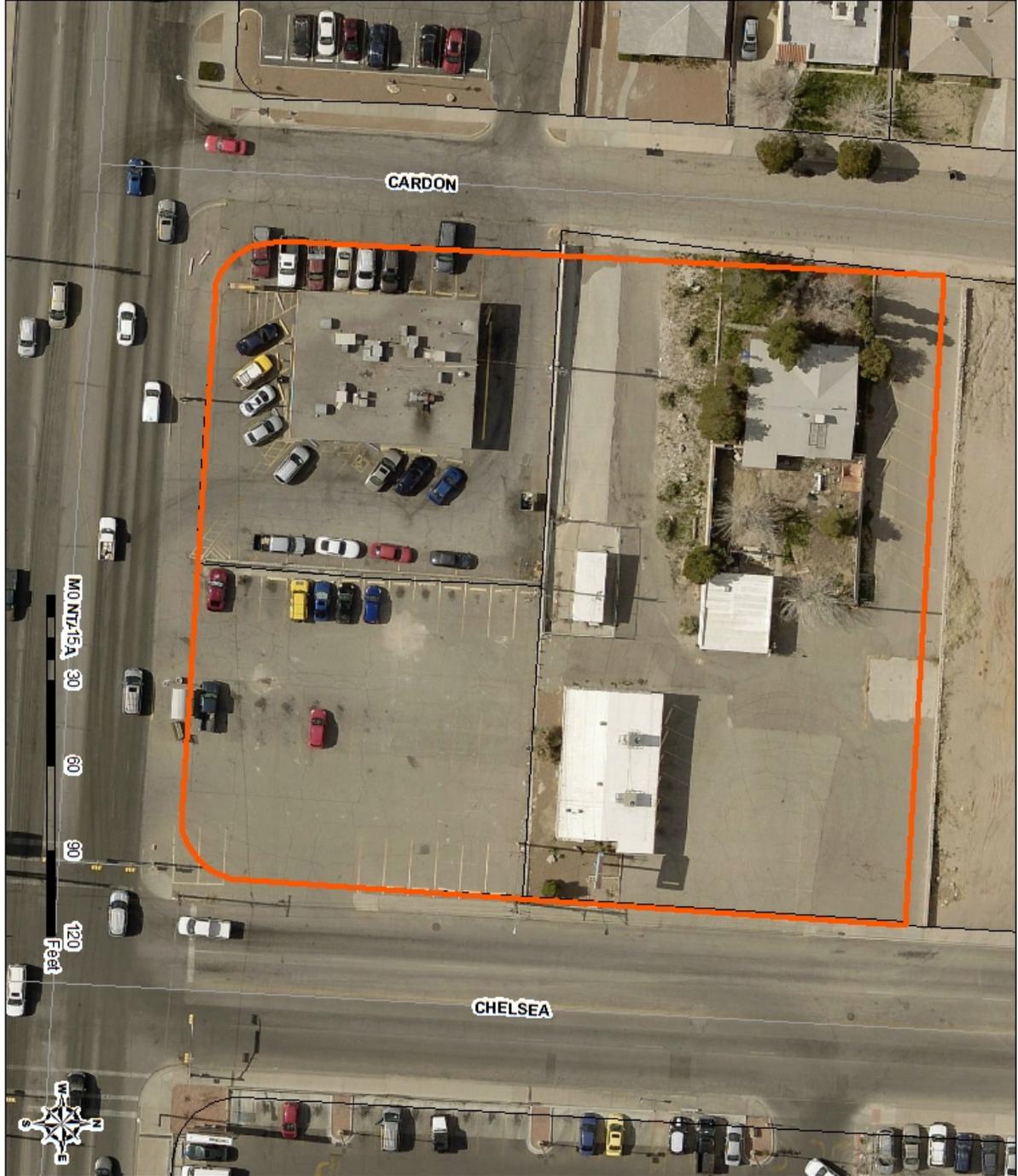
1. Location map
2. Aerial map
3. Preliminary plat
4. Final plat
5. Exception Request
6. Application

ATTACHMENT 1

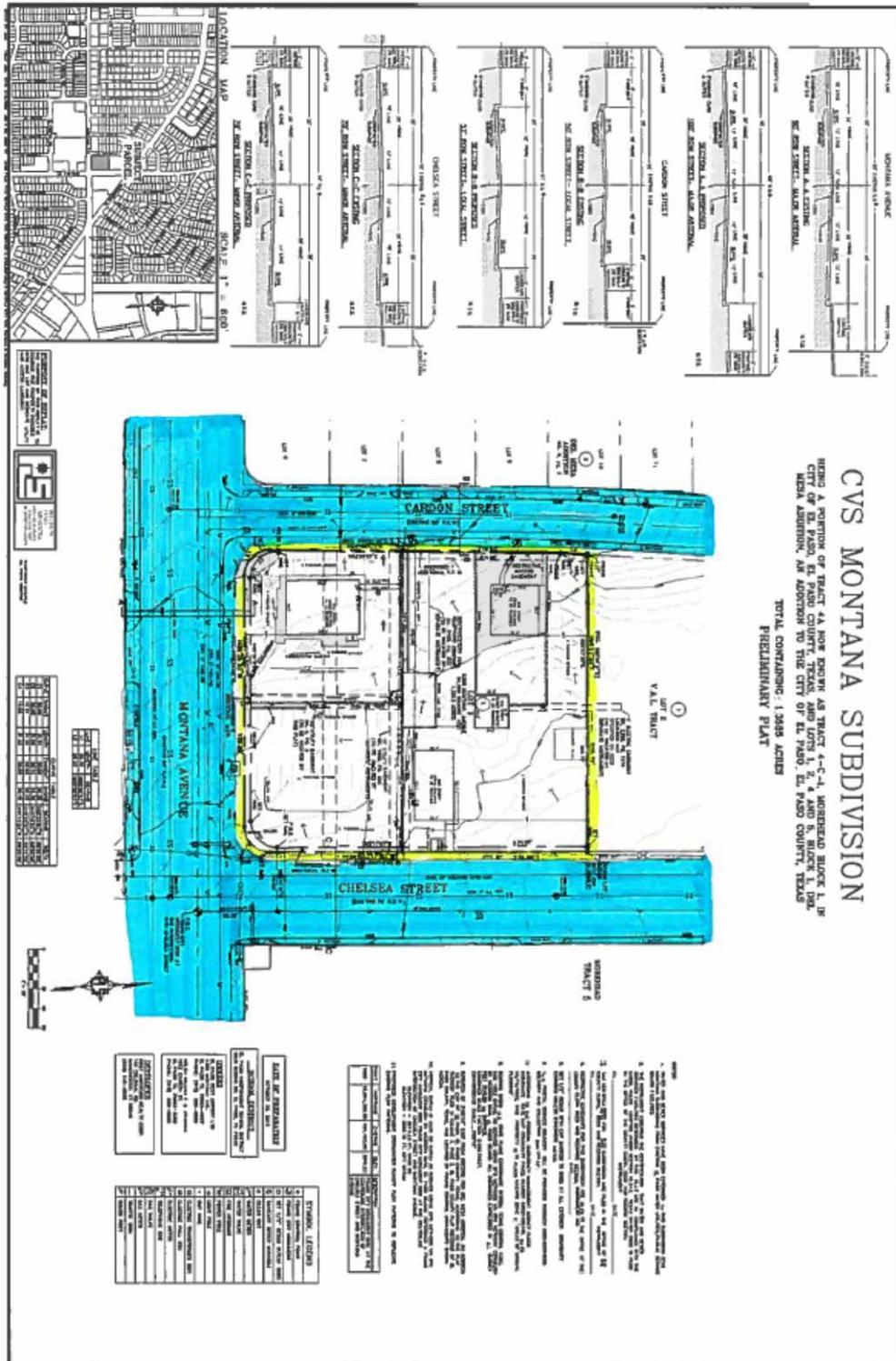


ATTACHMENT 2

CVS MONTANA SUBDIVISION



**ATTACHMENT 3**





## ATTACHMENT 5



**LINFIELD, HUNTER & JUNIUS, INC.**  
PROFESSIONAL ENGINEERS, ARCHITECTS,  
LANDSCAPE ARCHITECTS AND SURVEYORS

3608 18<sup>th</sup> Street / Suite 200  
Metairie, Louisiana 70002  
(504) 833-5300 / (504) 833-5350 fax

Ralph W. Junius, Jr., P.E.  
Nathan J. Junius, P.E., P.L.S.  
Sergio J. Girau, P.E.  
Anthony F. Goodgion, P.E.  
Stephen R. Braquet, AIA  
J. Greg Cantrell, PLA  
Charles T. Knight, P.E.  
Robert E. Nockron, P.E.  
Mark K. Annino

Daniel F. Bobeck, P.E.  
Benjamin N. Chadwick, AIA  
Wesley R. Eustis, P.E.  
James K. Farrelly, P.E.  
Daniel A. Flores, P.E.  
Casey M. Genovese, P.E.  
Jedidiah S. Hellmich, P.E.  
William J. Katzenmeyer, P.E.  
Timothy J. Roth, P.E.  
Alan D. Schulz, Sr., P.E.  
Luis F. Sosa, P.E.  
Richard A. VanWooten, P.E.

May 25, 2016

Mr. Nelson Ortiz  
City Senior Planner  
City of El Paso  
801 Texas Avenue  
El Paso, TX 79901

**RE: 5-Day Review Comments Letter – CVS Montana Subdivision – dated 2/13/16  
CVS Pharmacy #10874  
NWC Montana Avenue (US Hwy. 62) & Chelsea Street  
El Paso, TX  
Our File #: 11-29RR**

Dear Mr. Ortiz,

In response to the 5-Day Review Comments letter dated February 22, 2016 for the proposed “CVS Montana Subdivision”, please find the following requests and reasoning for exception to public improvements and reduced landscape buffers:

Required improvements per email received on 4/20/16 from Vanessa Munoz, City Planner, Subdivisions, with the City of El Paso:

*According to our Major Thoroughfare Plan, Montana Avenue is designated as a major arterial. Montana requires a minimum of 100' ROW, with a 5' sidewalk, 5' landscape buffer, three 11' lanes, and a 7' raised median as the applicant's proportionate share of roadway improvements. For Montana Avenue, the required minimum ROW width is being met. However, the landscape buffer and sidewalk need to be switched in order to follow the Design Standards for Construction. Also, the total roadway minimum needs to be 33' along with a 7' raised median. Currently, the roadway total is 24' with a 6' turning lane. The ROW being dedicated on the opposite side of the street not abutting the property can be removed.*

*According to our Major Thoroughfare Plan, Cardon Street is designated as a local street. Cardon requires a minimum of 52' ROW, with a 5' sidewalk, 5' landscape buffer, 7' parking buffer, and a 9' lane as the applicant's proportionate share of roadway improvements. For Cardon Street, the required minimum ROW width is being met, so the*

*additional 1' ROW should be added to the 7' parking buffer and 9' lane to meet the minimum 16', since it is currently 15'. Also, the landscape buffer and sidewalk need to be switched in order to follow the Design Standards for Construction. The ROW being dedicated on the opposite side of the street not abutting the property can be removed.*

*According to our Major Thoroughfare Plan, Chelsea Street is designated as a minor arterial. Chelsea requires a minimum of 78' ROW, with a 5' sidewalk, 5' landscape buffer, two 11' lanes and a 7' raised turning median as the applicant's proportionate share of roadway improvements. For Chelsea Street, the required minimum ROW width is being met, however, the landscape buffer needs to be a minimum of 5' and it also needs to be switched with the sidewalk in order to follow the Design Standards for Construction. The ROW being dedicated on the opposite side of the street not abutting the property can be removed.*

1. Exception to the public improvements listed above is being requested due to existing conditions. The existing conditions along Montana Avenue, Cardon Street, and Chelsea Street adjacent to the site do not coincide with the required improvements. Montana Avenue and Chelsea Street do not have raised medians adjacent to the site. The expansion of each roadway fronting the site would cause issues topographically due to the large change in existing elevations, approximately 14 feet, from the northeast corner adjacent to Chelsea Street and the southwest corner at the Cardon Street and Montana Avenue intersection of the proposed site.

There are no objections to providing the required 5' landscape buffer and then a 5' sidewalk within the public right-of-way of Montana Avenue, Cardon Street and Chelsea Street. However, we request an exception to the construction of these improvements being required prior to the recordation of the proposed plat allowing the construction of said items to occur after building permits are pulled and construction for the entirety of the site has begun. The two existing businesses are currently occupied and construction of said improvements would interrupt their businesses during hours of operation.

2. An exception to the required 10' landscape buffer along Montana Avenue is being requested. The required right-of-way dedication to meet the Major Thoroughfare Plan, 5' for Montana Avenue, limit the available real estate for the new development and encroach into the required 10' landscape buffer. The landscape buffer is requested to be reduced from 10' to 7' for Montana Avenue.

If you have any questions or need any additional information, please contact me at 504-833-5300 or [jfarrelly@lhjunius.com](mailto:jfarrelly@lhjunius.com).

Very truly yours,

Linfield, Hunter & Junius, Inc.  
T.B.P.E. Firm No. 11654

*James K. Farrelly*

James K. Farrelly, P.E.

JKF

enclosures

## ATTACHMENT 6



### CITY PLAN COMMISSION APPLICATION FOR RESUBDIVISION COMBINATION SUBDIVISION APPROVAL

DATE: 4/22/16

FILE NO. SUSU16-00026

SUBDIVISION NAME: CVS MONTANA SUBDIVISION

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
BEING A PORTION OF TRACT 4A NOW KNOWN AS TRACT 4-C-1, MOREHEAD BLOCK, IN CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND LOTS 1, 2, 4 AND 5, DEL MESA ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS

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	_____	_____		_____	_____
School	_____	_____		_____	_____
Commercial	<u>1.3585</u>	<u>1</u>	Total No. Sites	<u>1</u>	_____
Industrial	_____	_____	Total (Gross) Acreage	<u>1.3585</u>	_____

3. What is existing zoning of the above described property? C-2/R-4/SP Proposed zoning? C-1

4. Will the residential sites, as proposed, permit development in full compliance with all zoning requirements of the existing residential zone(s)? Yes \_\_\_\_\_ No N/A

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

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

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

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes X No \_\_\_\_\_  
If answer is "Yes", please explain the nature of the modification or exception REQUEST EXCEPTION FOR STREET IMPROVEMENTS WITHIN RIGHT-OF-WAY AND LANDSCAPE BUFFER FRONTING MONTANA AVE. AND CHELSEA ST.

9. Remarks and/or explanation of special circumstances: SEE ATTACHED LETTER

10. Improvement Plans submitted? Yes \_\_\_\_\_ No X  
(Exception to improvements requested)

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 I (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 El Paso West Airport, Ltd., 1520 Oliver St., Houston, TX, 77007,  
(Name & Address) (Zip) (Phone)
13. Developer First Hartford Realty Corporation, 149 Colonial Rd., Manchester, CT, 06045, 860-646-6555  
(Name & Address) (Zip) (Phone)
14. Engineer Infield Hunter & Junius, Inc. 3608 13th St., Metairie, LA, 70002 504-833-5300  
(Name & Address) (Zip) (Phone)

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

OWNER SIGNATURE:

*Mark N. K. Rin*

REPRESENTATIVE:

*James K. Farrelly*  
**JAMES K. FARRELLY**

**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

12. Owner of record William L. Welsh (See below) 1012 Cardon St., El Paso, TX, 79903  
(Name & Address) (Zip) (Phone)
13. Developer First Hartford Realty Corporation, 149 Colonial Rd., Manchester, CT, 06045, 860-646-6555  
(Name & Address) (Zip) (Phone)
14. Engineer Linfield, Hunter & Junius, Inc. 3608 18th St., Metairie, LA, 70002 504-833-5300  
(Name & Address) (Zip) (Phone)

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

OWNER SIGNATURE: William L. Welsh 12-22-15  
 REPRESENTATIVE: \_\_\_\_\_

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