City of El Paso – City Plan Commission Staff Report

Case No:	SUSU14-00063 CVS Subdivision
Application Type:	Major Combination
CPC Hearing Date:	July 17, 2014
Staff Planner:	Alejandro Palma, (915) 212-1607, palmaaj@elpasotexas.gov
Location:	East of Dyer Street and North of Rutherford Drive
Acreage:	1.9712 acres
Rep District:	4
Existing Use:	Commercial
Existing Zoning:	C-4 (Commercial)
Proposed Zoning:	C-4 (Commercial)
Nearest Park:	Todd Ware Park (.57 miles)
Nearest School:	Crosby Elementary (.44 miles)
Park Fees Required:	$1,970.00
Impact Fee Area:	N/A
Property Owner(s):	Tapnim Future LP; CLK New-Star RE, LP; and M &M Partnership
Applicant:	Linfield, Hunter & Junius, Inc.
Representative:	Linfield, Hunter & Junius, Inc.

SURROUNDING ZONING AND LAND USE

North: C-3/ Commercial
South: C-4/ Commercial
East: C-3/ Commercial
West: C-3/ Commercial

PLAN EL PASO DESIGNATION: G3, Post-war

APPLICATION DESCRIPTION

The applicant proposes to subdivide approximately 1.9712 acres in order to create 2 commercial lots. Primary access to the subdivision is proposed from Dyer Street and Diana Drive. This development is being reviewed under the current subdivision code.

Diana Drive is currently designated on the Major Thoroughfare Plan as a Major Arterial with a required 100' ROW. Diana Drive has a 90' ROW and is fully built. In accordance with Section 19.10.050 (A) the applicant is requesting an exception to waive street improvements for the ROW expansion. 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 and have sufficient capacity to handle the increase in traffic to be generated by the proposed development.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **Approval** of the waiver request and **Approval** of CVS Subdivision on a Major Combination basis.

Planning Division Recommendation:
Staff recommends approval with the waiver as per Section 19.10.050 (A).

City Development Department - Land Development
We have reviewed subject plats and recommend **Approval**. Developer/Engineer shall address the following comments:

- No objections.

Parks and Recreation Department
We have reviewed **CVS Dyer Subdivision,** a minor plat map and offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "C-3" meeting the requirements for multi-family dwellings use restricted to a maximum of 29 dwelling units per acre, however, applicant has submitted preliminary covenants restricting the use to general commercial purposes only and prohibiting all residential uses therefore, "Park fees" will be assessed based as follows:

1. If gross density waiver is granted by the Planning Department or designee and a copy of the final recorded covenants is provided restricting all residential uses, then applicant shall be required to pay "Park fees" in the amount of **$1,970.00** based on Non-residential subdivision requirements calculated as follows:

Non-residential acreage 1.97 (rounded to two decimals) @ $1,000.00 per acre = **$1,970.00**

Please allocate generated funds under Park Zone**: NE-2**
Parks with-in Park Zone: **Irvin High – Tennis Courts** **&** **Student Memorial**

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
1. EPWU does not object to this request.

2. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Dyer Street right-of-way requires written permission from TxDOT.

Water:
3. There is an existing 18-inch diameter water main extending along Diane Drive, the water main is located approximately 3-ft west from the center line of the right-of-way.

4. There is an existing 12-inch diameter water main extending along Diane Drive that is available for service, the water main is located approximately 26.5-ft east from the center line of the right-of-way.

5. There is an existing 6-inch diameter water main extending along Dyers Street, the water main is located approximately 40-ft east from the center line of the right-of-way. Said main dead-ends approximately 639-ft north of Rutherford Drive.

6. There is an existing 36-inch diameter transmission water main extending along Dyer Street, the water main is located approximately 39-ft east from the center line of the right-of-way. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

7. Previous water pressure tests from fire hydrant # 5684 located at the northeast corner of Diane Drive and Joe Herrera Drive have yielded a static pressure of 110 (psi) pounds per square inch, a residual pressure of 108 (psi) pounds per square inch, and a discharge of 1060 (gpm) gallons per minute.

8. 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.

Sanitary Sewer:
9. There is an existing 15-inch diameter sanitary sewer main extending along Diane Drive that is available for service, the sewer main is located approximately 24.5-ft west from the center line of the right-of-way.

10. There is an existing 8-inch diameter sanitary sewer main extending along Dyer Street that is available for service, the sewer main is located approximately 30-ft west from the center line of the right-of-way.

General:
11. Easements will be required if the proposed development requires the extension of water and sanitary sewer mains inside the Property.
12. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.

13. Easement grantor shall indemnify, defend, and hold harmless the El Paso Water Utilities – Public Service Board from and against any and all claims, liability, actions, and damages for bodily injury and property damage to third parties or to the El Paso Water Utilities – Public Service Board which may be caused by or arise out of the maintenance and existence of said water and sanitary sewer mains in the easement area.
14. EPWU-PSB requires access to the water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

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

16. EPWU-PSB requests the Developer to refrain from constructing rock walls or any structure that will interfere with the access to the PSB easements.

17. EPWU-PSB requests the Developer to refrain from constructing signs within the PSB easements.

18. 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.

19. EPWU requires a new service application to serve the subject property. 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.

Sun Metro

Sun Metro recommends the placement of sidewalks and ADA compliant improvements throughout the development to City standards to provide pedestrian accessibility to mass transit services.

El Paso Fire Department

No comments received.

El Paso Electric Company

No comments received.

El Paso Independent School District

No comments received.

Additional Requirements and General Comments:

1. Submit to the City Development 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.

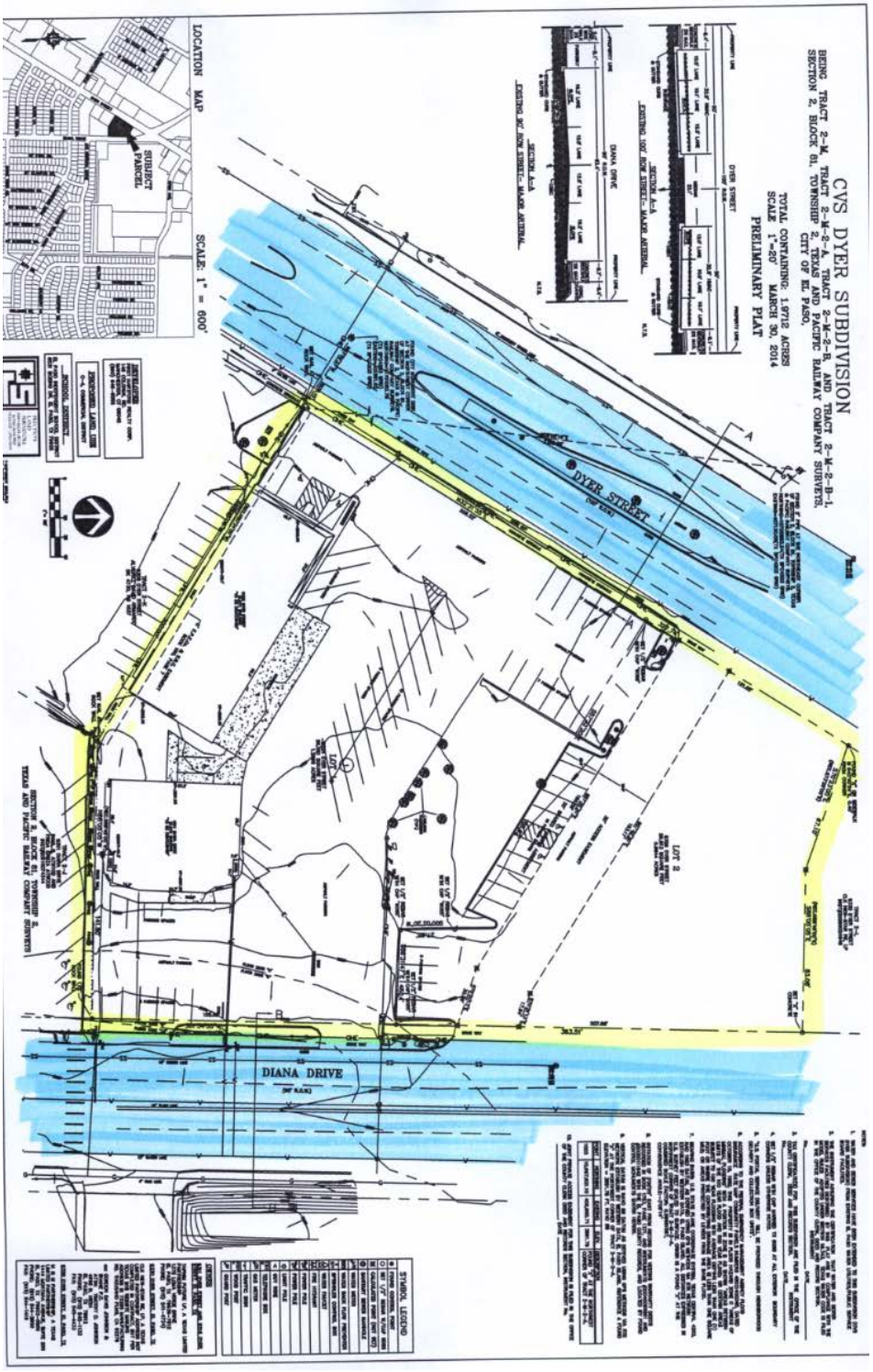
Attachments

1. Location map
2. Aerial map
3. Preliminary plat
4. Final plat
5. Modification request letter
6. Application

ATTACHMENT 1

ATTACHMENT 2

ATTACHMENT 3



ATTACHMENT 4

ATTACHMENT 5

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

5959 Gateway Blvd. West
El Paso, TX, 79925
(915) 219-9890

Ralph W. Junius, Jr., P.E.
Frank C. Newell, P.E., P.L.S.
Anthony F. Goodgion, P.E.
Sergio J. Girau, P.E.
Nathan J. Junius, P.E., P.L.S.
Stephen R. Braquet, AIA, NCARB
Luis F. Sosa, P.E.
Charles T. Knight, P.E.
Robert E. Nockton, P.E.
Wesley R. Eustis, P.E.
Casey M. Genovese, P.E.

June 18, 2014

City of El Paso Planning Division
811 Texas
El Paso, TX 79901

RE: CVS
Dyer St. & Diana Dr.
El Paso, TX
Job # 11-29X

To whom it may concern:

Diana Drive, adjacent to the proposed subject commercial development, currently has a ninety foot (90') right of way, and requires a one-hundred foot (100') right of way. This is a request for the City Plan Commission to waive such requirements to provide rights-of-way and street improvements to the adjacent road.

Per section 19.10.050(A) of the City of El Paso Municipal Code, the subject development meets the following: Fifty percent 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 and have sufficient capacity to handle the increase in traffic to be generated by the proposed development.

Thank you for your consideration. Please feel free to contact me should you have any questions.

Sincerely,

Mario J. Perez, P.E.

ATTACHMENT 6

CITY PLAN COMMISSION APPLICATION FOR
MAJOR COMBINATION SUBDIVISION APPROVAL

DATE: 5-21-2014 FILE NO. SUSU14-00063

SUBDIVISION NAME: CVS Subdivision

CITY OF EL PASO PAID JUN 30 2014 CITY PLAN DEVELOPMENT DEPARTMENT

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
81 TSP 2 SEC 2 T&P SURV TR 2-M-2A (11900 SQ FT)
81 TSP 2 SEC 2 T&p SURV TR 2-M-2B-1 (13120 SQ FT)
81 TSP 2SEC 2 T&P SURV TR 2-M-2-B (20051 SQ FT)
81 TSP 2 SEC 2 T&P SURV TR 2-M(0.9360 AC)

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	1.29	1	Total No. Sites	1	
Industrial			Total (Gross) Acreage	1.29	

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

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

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

6. What type of drainage is proposed? (If applicable, list more than one)
Surface flow to swales within property and to existing underground drain line along Diana Dr

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

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

10. **Improvement Plans submitted?** Yes____ No X

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) 541-4024

12. Owner of record See below
(Name & Address) (Zip) (Phone)

First Hartford Realty Corp.
149 Colonial Rd., Manchester, CT 06045-1270 860-646-6555

13. Developer
(Name & Address) (Zip) (Phone)

Linfield, Hunter & Junius, Inc.
3608 18 th St., Suite 200
Metairie, LA 70002 504-833-5300

14. Engineer
(Name & Address) (Zip) (Phone)

Refer to Schedule C for current fee.

OWNER SIGNATURE: [signature]

REPRESENTATIVE:

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

Owners of Record

9311 Dyer Street and 9216 Dyer Street, El Paso, TX
Tapnim Future LP, a Texas limited partnership
1375 Loma Verde Drive
El Paso, TX 79936-7812
Phone: (915) 241-4734)

9330 Dyer Street, El Paso, TX
CLK New-Star RE, LP, a Texas limited partnership
cc: Gordon Davis Johnson & Shane P.C.
Attn: Timothy D. Johnson
4695 N. Mesa
El Paso, TX 79912
Phone: (915) 545-1133
Fax: (915) 545-4433

9328 Dyer Street, El Paso, TX
M & M Partnership, a Texas limited partnership
1444 Montana Avenue, Suite 200
El Paso, TX 79902-5659
Phone: (915) 544-2600
Fax: (915) 544-1419

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890| (915) 541-4024