



City of El Paso – City Plan Commission Staff Report

Case No: PZDS14-00021
Application Type: Detailed Site Development Plan Review
CPC Hearing Date: July 31, 2014
Staff Planner: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov
Location: 436 Redd Road
Legal Description: Portion of Lot 3, Block 19, Regal Crest Unit Three, Replat “B”, City of El Paso, El Paso County, Texas
Acreage: 0.8781 acres
Rep District: 1
Current Zoning: C-1/sc (Commercial/special contract)
Existing Use: Parking Lot
C/SC/SP/ZBA/LNC: Yes; special contracts attached to Ordinance Nos. 7961 and 9507
Request: Detailed Site Development Plan Review
Proposed Use: Retail
Property Owner: Lowe’s Home Centers, Inc.
Representative: Rick Spencer

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential) / Single-family dwellings
South: C-4/sc (Commercial/special contract) / Lowe’s Home Improvement
East: C-4/sc (Commercial/special contract) / Lowe’s Home Improvement
West: C-1/sc (Commercial/special contract) / Lowe’s Home Improvement

PLAN EL PASO DESIGNATION: G-4 Suburban (Walkable) (Northwest Planning Area)

NEAREST PARK: Three Hills Park (3,076 feet)

NEAREST SCHOOL: Rosa Guerrero Elementary (5,493 feet)

NEIGHBORHOOD ASSOCIATIONS

Upper Valley Improvement Association
Upper Mesa Hills Neighborhood Association
Coronado Neighborhood Association
Save the Valley

NEIGHBORHOOD INPUT

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, *Notice of the El Paso City Code*.

CASE HISTORY

On January 17, 1984, City Council approved Ordinance No. 7961 rezoning the subject property to C-1 and imposed a special contract as follows:

1. *Dedication and improvement of fifteen (15) feet of right-of-way for the widening of Southwestern Drive prior to the issuance of certificates of occupancy. The design and improvements must be approved by the City Engineer and the Director of the Department of Transportation.*
2. *A detailed site development plan must be approved by the Plan Commission and the City Council prior to the issuance of any building permits.*

The ROW dedication requirement has been satisfied. The detailed site development plan review requirement remains in effect.

On October 11, 1988, City Council approved Ordinance No. 9507 rezoning the southern portion of the subject property to C-4 and imposed a special contract as follows:

1. *The property owner must dedicate ten (10) feet of additional right-of-way for the widening of Southwestern Drive, upon approval of the rezoning request by the Mayor and City Council.*
2. *Prior to the issuance of a certificate of occupancy for Parcel 1 (Portion of Lot 1, Block 19, Regal Crest Unit Three Replat "A", zoned C-4), the property owner must improve to City standards the ten (10) feet of additional right-of-way being dedicated by this contract for Southwestern Drive.*
3. *Prior to the issuance of any building permits, a detailed site development plan must be reviewed by the City Plan Commission and approved by the Mayor and City Council.*

The ROW dedication and street improvement requirements have been satisfied. As the proposed development substantially alters the approved detailed site plan (DP-01027) for the portion of the lot occupied by the Lowe's Home Improvement Center, a detailed site development plan review is further necessitated.

APPLICATION DESCRIPTION

The detailed site development plan shows a 6,500 sq. ft. retail shell building on a 0.87 acre outparcel. The development proposes 58 parking spaces and requires 26. The remaining parking will continue to be used by Lowe's. Access to the subject property is proposed from Redd Road.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

ANALYSIS

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

A detailed site development plan review is required due to two conditions imposed on the subject property. Ordinance Nos. 7961 and 9507 both require that a detailed site development plan be approved by the City Plan Commission and the El Paso City Council.

20.04.150 Procedure.

- C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:
1. The site is two acres or less in size, and
 2. The site plan contains no more than two buildings, and
 3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
 4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
 5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.
- If the zoning administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the city plan commission. The applicant

must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

This detailed site development plan is not eligible for administrative approval as the condition requires approval by the City Plan Commission and the El Paso City Council.

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
 2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
 3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
 4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
 5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff has reviewed the detailed site development plan and recommends approval as it meets all of the requirements.

Plan El Paso- Future Land Use Map Designation

All applications for detailed site plan review shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. 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/sc (Commercial/special contract) zoning district is to permit compatible neighborhood convenience goods and services that serve day-to-day needs. Permits locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

COMMENTS:

Planning Division – Transportation

No objections.

General Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

City Development Department – City Development & Permitting

As submitted plans meet minimum requirements.

City Development Department - Land Development

No objections.

Fire Department

Recommend APPROVAL of “Site Plan” as presented. PZDS14-00021.

*****NOTE ***** In accordance with the requirements of the Zoning Code Section 20.04.160 Content of application the Fire Planning Division has reviewed the submitted “Detailed Site Plan for the following: Elevations, Perspective of the building, Dimensions, square footage and height of all structures, Number of dwelling units in Multi- family structures, and Driveways as applicable to following sections of the fire code; Sections 503 and Appendix D Fire Apparatus Access Roads, Section 903 Automatic Sprinkler Systems, Section 905 Standpipe Systems. “When required as per section 905.3.1, 905.4 and 905.5 all fire protections system plans shall be submitted separately to Fire Plan Review for further requirements and comments”. The Fire Planning Division has reviewed the submitted “Detailed Site Plan Application” as per requirements of the Zoning Code Section 20.04.160 Content of application and has determined that the submission DOES Comply within the zoning regulations.

El Paso Water Utilities

We have reviewed the zoning change request described above and provide the following comments:

1. The El Paso Water Utilities – Public Service Board (EPWU) does not object to this request.

EPWU-PSB Comments

Water:

1. Along Redd Road fronting the subject Property there is an existing eight (8) inch diameter water main. This main is available for service.
2. Previous water pressure readings conducted on fire hydrant number 8683 located along Redd Road at approximately 175 feet west of Oneida Drive have yielded a static pressure of 155 pounds per square inch (psi), residual pressure of 100 psi, discharge of 1,300 gallons per minute (gpm). 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 Owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

1. Along Redd Road fronting the subject Property there is an existing eight (8) inch diameter sanitary sewer main. This main is available for service.

General:

1. Easements will be required in order to accommodate the water and sanitary sewer mains if the Development of this Property requires public water mains and sanitary sewer mains within private Property. The proposed easements shall comply with the EPWU-PSB Easement Policy. Additionally, anchor easements for the proposed public fire hydrants shall have minimum dimensions of 10 feet by 10 feet.
2. All easements dedicated for public water and/or sanitary sewer facilities are to comply with EPWU-PSB Easement Policy.
3. 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.
4. The alignment and location of the proposed EPWU-PSB easement shall enable the placement of water

meters outside of the parking areas and minimize the length of services. No vehicular traffic is allowed over the water meters. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within easements 24 hours a day, seven (7) days a week.

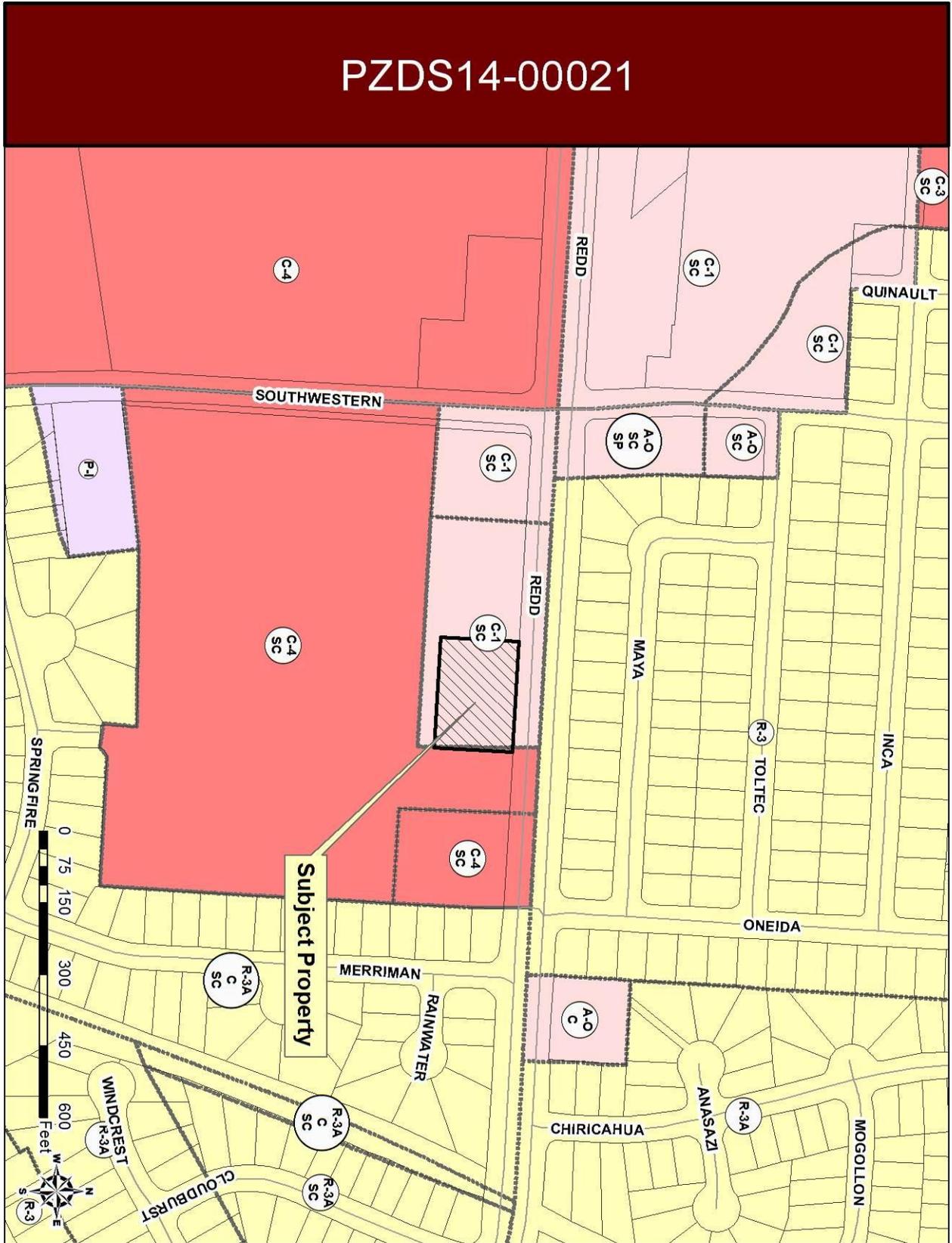
5. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced El Paso Water Utilities - Public Service Board Easements (EPWU-PSB easements) without the written consent of EPWU-PSB.
6. EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions 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.

Attachments

1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Special contract, Ordinance No. 7961
5. Special contract, Ordinance No. 9507

ATTACHMENT 1: ZONING MAP

PZDS14-00021

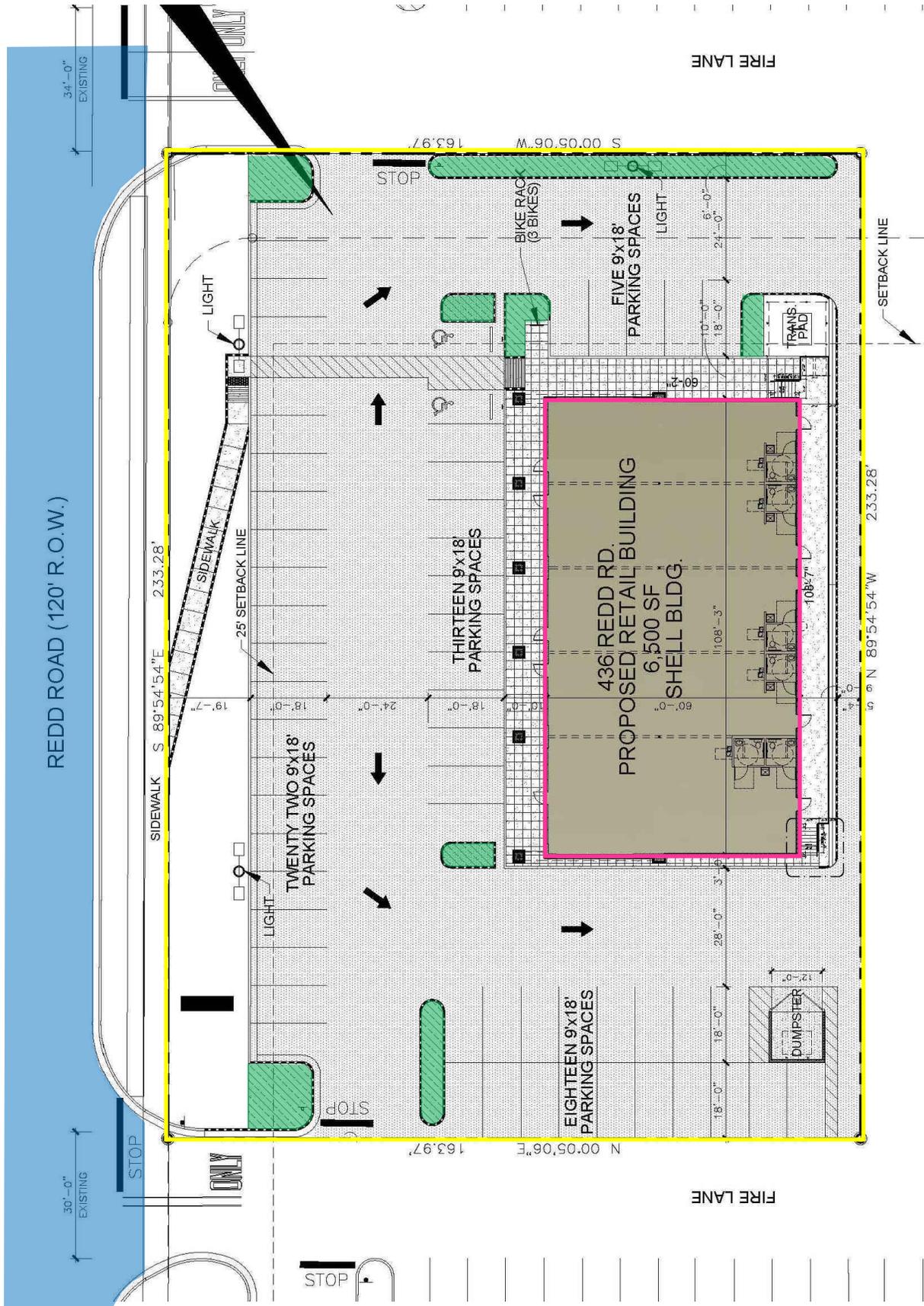


ATTACHMENT 2: AERIAL MAP

PZDS14-00021



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: SPECIAL CONTRACT, ORDINANCE NO. 7961

CONTRACT

THIS CONTRACT, made this 17th day of January, 1984, by and between WILLIAM J. KASTRIN and SOCORRO KASTRIN, First Parties, and the CITY OF EL PASO, Second Party, witnesseth:

Application has been made to the City of El Paso for rezoning a portion of Lot 1, Block 19, REGAL CREST UNIT THREE REPLAT A, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Parties covenants that if the property is rezoned to C-1 (Commercial) District within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Dedication and improvement of fifteen (15) feet of right-of-way for the widening of Southwestern Drive prior to the issuance of certificates of occupancy. The design and improvements must be approved by the City Engineer and the Director of the Department of Traffic and Transportation.
2. A detailed site development plan must be approved by the Plan Commission and the City Council prior to the issuance of any building permits.

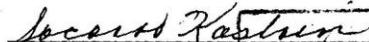
This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express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

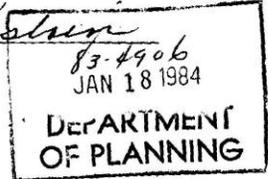
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

WITNESS THE FOLLOWING SIGNATURES AND SEALS.

FIRST PARTIES


William J. Kastrin


Socorro Kastrin



*Ord. 7961
(1/17/84)*

ATTACHMENT 4: SPECIAL CONTRACT, ORDINANCE NO. 7961 (CONTINUED)

ATTEST:

W. R. [Signature]
City Clerk

THE CITY OF EL PASO
Second Party

By [Signature]
Mayor

APPROVED AS TO CONTENT:

[Signature]
Planning, Research and
Development

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 9th day
of January, 1984, by WILLIAM J. KASTRIN and SOCORRO KASTRIN.

[Signature]
Notary Public, State of Texas

My Commission Expires:

3/9/84

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 17th day
of January, 1984, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso.

[Signature]
Notary Public, State of Texas

My Commission Expires:

6/30/84

83-4906
JAN 18 1984
DEPARTMENT
OF PLANNING

ATTACHMENT 5: SPECIAL CONTRACT, ORDINANCE NO. 9507 (CONTINUED)

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.

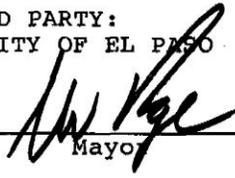
The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity or necessitating the amendment of the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

FIRST PARTY:
WILLIAM J. KASTRIN

By: 

SECOND PARTY:
THE CITY OF EL PASO

By: 
Mayor

ATTEST:


City Clerk

SIGNATURES CONTINUE ON NEXT PAGE

ATTACHMENT 5: SPECIAL CONTRACT, ORDINANCE NO. 9507 (CONTINUED)

APPROVED AS TO FORM:

C. Adams
Assistant City Attorney

APPROVED AS TO CONTENT:

Roy Wilford
Department of Planning,
Research and Development

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 3rd day
of November, 1988, by WILLIAM J. KASTRIN.



Michelle Rodriguez
Notary Public, State of Texas
Notary's Printed or Typed Name
Michelle Rodriguez

My Commission Expires:

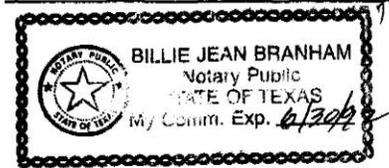
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THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 21st day
of October, 1988, by JONATHAN W. ROGERS, as Mayor
of THE CITY OF EL PASO.

Billie Jean Branham
Notary Public, State of Texas
Notary's Printed or Typed Name

My Commission Expires:



ZNG7:5395.88
10/20/88