



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

**Case No:** PZDS14-00011 (Related to rezoning application PZRZ14-00040)  
**Application Type:** Detailed Site Development Plan Review  
**CPC Hearing Date:** September 11, 2014  
**Staff Planner:** Michael McElroy, 915-212-1612, [mcelroyms@elpasotexas.gov](mailto:mcelroyms@elpasotexas.gov)  
**Location:** 10420 Montwood Drive  
**Legal Description:** Lots 15, 16 and 17 and a portion of lot 14, Block 113, Eastwood Heights Unit V, Replat B, City of El Paso, El Paso County, Texas  
**Acreage:** 1.108 acres  
**Rep District:** 7  
**Zoning:** C-1/sc (Commercial/special contract) & A-O (Apartment-Office)  
**Existing Use:** Offices  
**C/SC/SP/ZBA/LNC:** Special contract dated October 19, 1978 (Attachment 4)  
**Request:** Detailed Site Plan Review  
**Proposed Use:** Retail  
**Property Owner:** Severo Hughston, LLC  
**Representative:** Conde, Inc.

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

**North:** C-1 (Commercial) / Retail  
**South:** R-3 (Residential) / Single Family Homes  
**East:** C-1/sc (Commercial/special contract) & A-O (Apartment-Office) / Offices & Parking Lot  
**West:** C-1/c (Commercial/condition) / Financial Institution

**PLAN EL PASO DESIGNATION:** G-3 Post-War (East Planning Area)

**NEAREST PARK:** Reese McCord Park (3,120 feet)

**NEAREST SCHOOL:** Eastwood Heights Elementary School (2,562 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

### **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 October 31, 1978 City Council approved Ordinance No. 6367 rezoning the subject property from A-O (Apartment-Office) to C-1 (Commercial) and imposed a special contract with conditions as follows:

- 1. No building permits shall be issued for construction the property until complete and detailed site development and architectural plans of the proposed development on the property have been submitted by First party and approved by the City Plan Commission of the City of El Paso.*
- 2. No certificates of occupancy and compliance shall be issued for any building constructed on the property until First Party has installed concrete sidewalks along the boundaries of the property which are adjacent to Montwood Drive and Mosswood Drive. Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily installed before certificates of occupancy and compliance shall be issued.*

Condition #2 has been satisfied. Condition #1 remains in effect.

### **APPLICATION DESCRIPTION**

The detailed site development plan shows an existing 15,300 sq. ft. building proposed for retail on a 1.108 acre parcel of land. The development proposes 80 parking spaces (in conjunction with related rezoning application PZRZ14-00040) and requires 51. The subject property provides 39 parking spaces, to include four ADA accessible spaces and three bicycle spaces. Access is proposed from Brian Mooney Avenue.

### **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. Furthermore, the detailed site development plan complies with the G-3 Post-War growth sector designation for the Plan El Paso East Planning Area.

### **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 with approval by the City Plan Commission due to a special contract imposed on the subject property by Ordinance No. 6367.*

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 site 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.*

- 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-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) 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 – Landscape Review**

No objections.

**City Development Department - Land Development**

No objections.

**Fire Department**

No objections.

**El Paso Water Utilities**

EPWU does not object to this request.

**Water:**

1. There is an existing 6-inch diameter water main extending along Brian Mooney Ave. located approximately ten feet east of the street centerline. This main is available for service.
2. EPWU records indicate an active 1 ½-inch water meter and a vacant 1-inch yard meter serving the subject property. The service address for this meter is 10420 Montwood Dr.

**Sanitary Sewer:**

There is an existing 8 inch diameter sanitary sewer main extending along Brian Mooney Ave. located approximately 5 feet west of the street centerline. This main is available for service.

**General:**

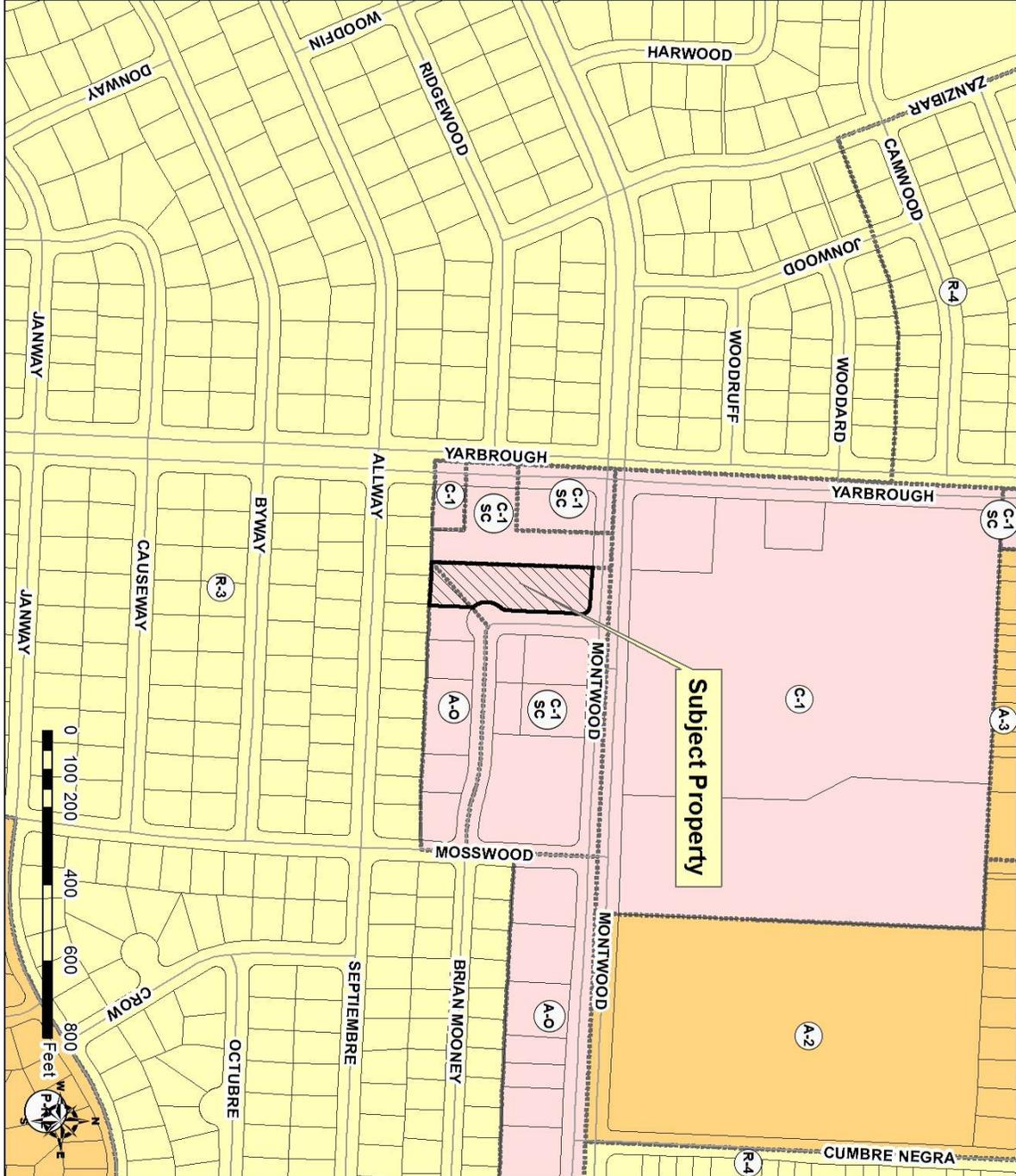
EPWU requires a new service application to provide additional services to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, 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.

**Attachments**

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Detailed Site Development Plan
- Attachment 4: Elevations
- Attachment 5: Special contract dated October 19, 1978

**ATTACHMENT 1: ZONING MAP**

**PZDS14-00011**



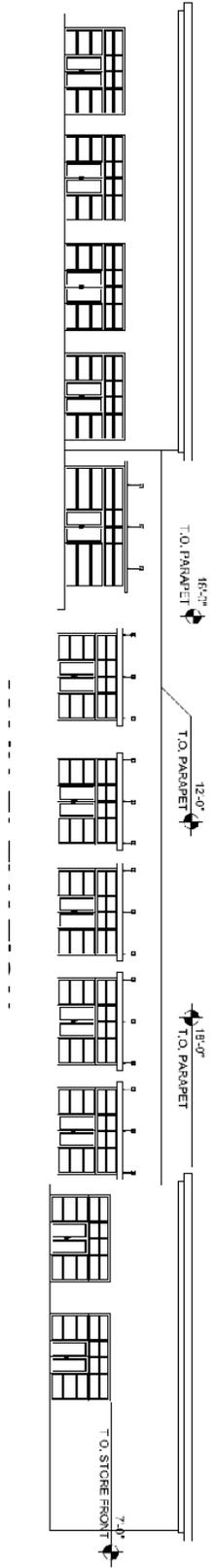
**ATTACHMENT 2: AERIAL MAP**

PZDS14-00011





**ATTACHMENT 4: ELEVATIONS**



ATTACHMENT 5: SPECIAL CONTRACT DATED OCTOBER 19, 1978

6367

AN ORDINANCE CHANGING THE ZONING OF  
LOTS 15-17, AND PORTIONS OF LOTS 14  
AND 18, BLOCK 113, EASTWOOD HEIGHTS  
UNIT V, REPLAT "A," THE PENALTY BEING  
AS PROVIDED IN SECTION 25-10 OF THE  
EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of Lots 15-17 and portions of Lots 14 and 18, Block 113, Eastwood Heights Unit V, Replat "A" as more particularly described below be changed to C-1 (Commercial) within the meaning of the Zoning Ordinance, and the zoning map of the City be revised accordingly:

Beginning at the City Monument at the Intersection of Yarbrough Drive and Montwood Drive North 89°32'00" East a distance of 260.00 feet along the center line at Montwood Drive, thence South 00°28'00" East a distance of 50.00 feet to the point of beginning;

THENCE North 89°32'00" East a distance of 703.17 feet along the southerly ROW line of Montwood Drive to the PC of a curve to the right;

THENCE southeasterly along said curve to the right an arc distance of 31.42 feet; curve having a radius of 20.00 feet; a central angle of 90°00'00" and a long chord bearing south 45°28'00" East a distance of 28.28 feet;

THENCE South 00°28'00" East a distance of 274.58 feet along the westerly ROW line of Mosswood Street;

THENCE South 89°32'00" West a distance of 20.00 feet to the PC of a curve to the right;

THENCE Northwesterly along said curve to the right an arc distance of 102.78 feet to a point of reverse curve; curve having a radius of 388.68 feet; a central angle of 15°09'03", and a long chord bearing North 82°53'28" West a distance of 102.48 feet.

THENCE Northwesterly along said reverse curve to the left an arc distance of 102.78 feet; curve having a radius of 388.68 feet, a central angle of 15°09'03", and a long chord bearing North 82°53'28" West a distance of 102.48 feet;

THENCE South 89°32'00" West a distance of 350.00 feet;

THENCE South 44°32'00" West a distance of 212.13 feet;

THENCE North 00°28'00" West a distance of 417.56 feet to the point of beginning and containing 207,940.44 square feet or 4.774 acres more or less.

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ATTACHMENT 5: SPECIAL CONTRACT DATED OCTOBER 19, 1978

PASSED AND APPROVED this 31<sup>st</sup> day of October 1978.

[Signature]  
Mayor

ATTEST:  
[Signature]  
City Clerk

[Signature]  
City Clerk

APPROVED AS TO FORM:

[Signature]  
City Attorney

I certify that the zoning map has been revised to  
reflect the amendment of ordinance #6367  
By [Signature] Date 12-1-78

I CERTIFY THAT THE FOLLOWING ZONING MAPS  
HAVE BEEN REVISED: C.D.  
11-20-78 COUNTER  
11-17-78 ORIGINAL  
11-20-78 Blg. Inspection  
11-20-78 CONTROL  
[Signature]

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ATTACHMENT 5: SPECIAL CONTRACT DATED OCTOBER 19, 1978 (CONTINUED)

CONTRACT

This contract, made this 19th day of October 1978, 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 Lots 15-17, and portions of Lots 14 and 18, Block 113, Eastwood Heights Unit V, Replat "A" in the City of El Paso, El Paso County, Texas. In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in Ordinance No. 6367, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference, it shall be subject to the following restrictions, conditions and covenants:

✓ 1. No building permits shall be issued for construction on the property until complete and detailed site development and architectural plans of the proposed development on the property have been submitted by First Party and approved by the City Plan Commission of the City of El Paso.

2. No certificates of occupancy and compliance shall be issued for any building constructed on the property until First Party has installed concrete sidewalks along the boundaries of the property which are adjacent to Montwood Drive and Mosswood Drive. Such sidewalks shall be installed in accordance with specifications to be approved by the City Engineer of the City of El Paso and the City Engineer must certify that such sidewalks have been satisfactorily installed before certificates of occupancy and compliance shall be issued.

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, conditions 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

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**ATTACHMENT 5: SPECIAL CONTRACT DATED OCTOBER 19, 1978 (CONTINUED)**

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

By *D. H. Elliott*  
D. H. Elliott, Vice President

ATTEST:  
*[Signature]*  
Secretary

THE CITY OF EL PASO

By *[Signature]*  
Mayor  
*Pro-Tem*

ATTEST:  
*[Signature]*  
City Clerk

APPROVED AS TO FORM:

*[Signature]*  
City Attorney

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

BEFORE ME, the undersigned authority, on this day personally appeared D. H. ELLIOTT, Vice President of LEAVELL DEVELOPMENT COMPANY, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19<sup>th</sup> day of Oct., 1978.

My Commission Expires:  
MARILOU MORELAND, Notary Public  
In and for the County of El Paso, Texas  
My Commission Expires March 8, 1980

*MariLou Moreland*  
Notary Public, El Paso County, Texas



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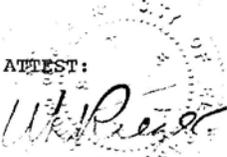
**ATTACHMENT 5: SPECIAL CONTRACT DATED OCTOBER 19, 1978 (CONTINUED)**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with Leavell Development Company placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 6367.

ADOPTED this 31st day of October 1978.

ATTEST:  
  
W. R. Reed  
City Clerk

David D. ...  
Mayor

Rio-Ten  
City Clerk

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