

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Development Services Department, Planning Division

**AGENDA DATE:** Public Hearing: February 19, 2008, Resolution, Consent

**CONTACT PERSON/PHONE:** Arturo Rubio, 541-4633

**DISTRICT(S) AFFECTED:** 6

**SUBJECT:**

A Resolution approving a detailed site development plan, for a portion of Lot 18, Block 2, Montwood Heights Unit Four, El Paso, El Paso County, Texas, pursuant to a condition imposed by ordinance No. 011446. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: South of Montwood Drive and West of Sun Fire Boulevard. Applicants: SW C-Stores, LLC, ZON07-00147 (District 6)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Unanimous Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation (5-0)

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** Kelly Carpenter

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RESOLUTION**

**A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN, FOR A PORTION OF LOT 18, BLOCK 2, MONTWOOD HEIGHTS UNIT FOUR, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO A CONDITION IMPOSED BY ORDINANCE NO. 011446. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

**WHEREAS, SW C-Stores, LLC, (the "Applicant")** has applied for approval of a detailed site development plan pursuant to a zoning condition, which requires City Plan Commission and City Council approval, to permit the construction and development of a convenience store to include a gas pump island; and

**WHEREAS,** a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

**WHEREAS,** the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

**WHEREAS,** the City Council finds that the detailed site development plan meets all applicable requirements of the El Paso City Code;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. Pursuant to requirements imposed by a zoning condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of a convenience store to include a gas pump island on the following described property which is located in a C-1/c (Commercial/contract) District:

*A portion of Lot 18, Block 2, Montwood Heights Unit Four, El Paso, El Paso County, Texas, as more particularly described by metes and bounds on the attached Exhibit "A" and incorporated herein by reference.*

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A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-1/c (Commercial/contract) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-1/c (Commercial/contract) District. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**THE CITY OF EL PASO**

\_\_\_\_\_  
John F. Cook, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lupe Cuellar,  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

*for MWalla*  
\_\_\_\_\_  
Kelly Carpenter, AICP, Deputy Director  
Development Services Department –  
Planning Section

(Agreement on following page)

CITY CLERK DEPT.  
08 FEB -5 AM 11:36





**JOHN COOK**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**R. ALAN SHUBERT**  
DIRECTOR, DEVELOPMENT SERVICES

**KELLY CARPENTER, AICP**  
DEPUTY DIRECTOR, PLANNING

**CITY COUNCIL**

ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
RACHEL QUINTANA, DISTRICT 5  
EDDIE HOLGUIN, JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**MEMORANDUM**

**DATE:** February 5, 2008

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Arturo Rubio, Planner

**SUBJECT: ZON07-00147**

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The City Plan Commission (CPC), on January 3, 2008, voted 5-0 to recommend APPROVAL of detailed site development plan.

The CPC found that the detailed site development plan is in conformance with all applicable requirements of the El Paso City Code, The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this detailed site development plan protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the effects of the detailed site development plan will have no effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There were two letters of opposition to this request.

**Attachment:** Staff Report



**General Information:**

Site plan review is a requirement of zoning conditions in Ordinance No. 011446 dated June 22, 1993. The conditions also include limiting height of any structure to not more than 2 1/2 stories or 35', whichever is greater and providing a 10' wide strip of landscaping along Montwood Drive (See Attachment 3). The site plan proposes a convenience store (3,252 squared feet) to include a gas pump island (3,000 squared feet). The proposed set backs are, front yard 25', rear 10' and side 10'. Applicant is proposing 20 parking spaces and is required to have 17. Bike racks will be provided directly in front of convenient store. Access is proposed via Montwood Drive and Sun Fire Boulevard.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) recommends **approval** of this detailed site development plan review.

The recommendation is based on the following:

- The detailed site development plan **meets** all minimum requirements under 20.04.150 of the El Paso City Code.
- **The Plan for El Paso City-Wide Land Use Goals** recommends that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”
- **The Year 2025 Projected General Land Use Map** for the East Planning area designates this property for **Residential** land use.
- **C-1/c (Commercial/condition) zoning** permits convenient store/gas station.

**Findings:**

The Commission must determine the following:

1. Does the detailed site development plan satisfy the City's minimum requirements necessary to protect the public health, safety, and general welfare of the community?
2. Does the proposed development comply with all ordained development standards of the C-1/c (Commercial/condition) zoning district?

**Development Services - Building Permits and Inspections Division:**

Zoning Review: Proposed development is permitted on C-1/c zoning district. Request meets minimum lot, yard, off street parking and loading standards.

Landscaping: No comments received.

**Development Services - Planning Division:**

Current Planning: Recommends approval of detailed site development plan. The detailed site development plan meets all minimum requirements of the El Paso City Code.

Land Development: No comments received.

**Engineering Department, Traffic Division:**

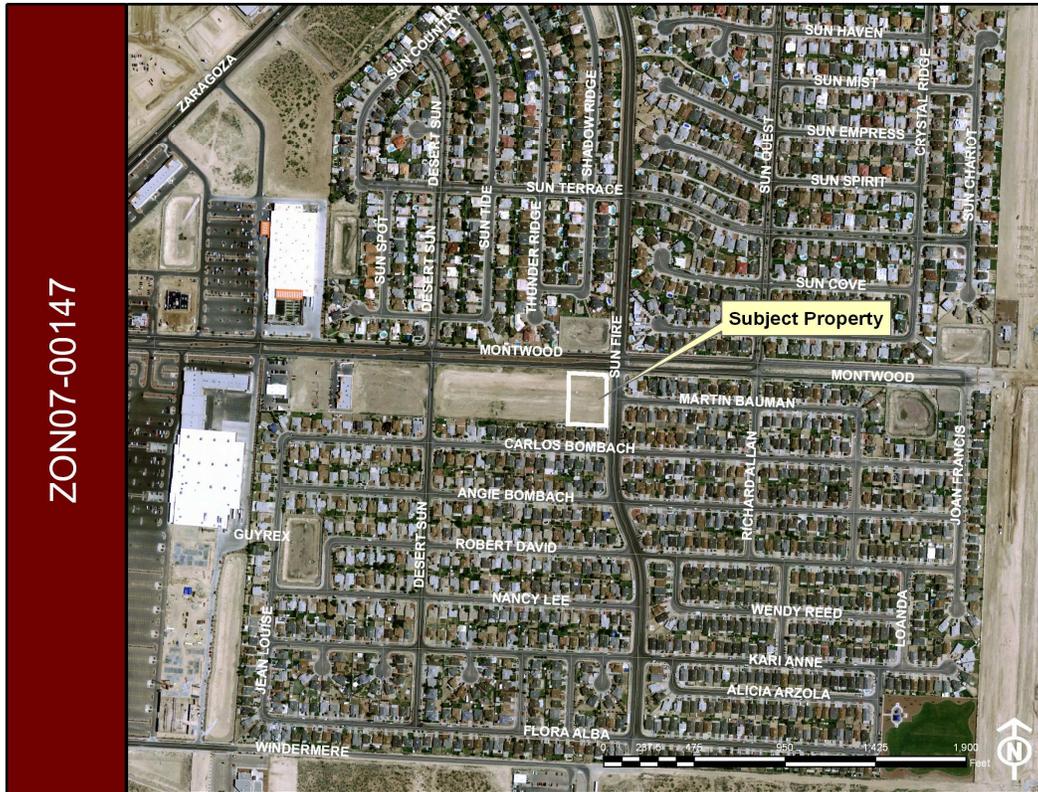
No apparent traffic concerns.

**Fire Department:**

No comments received.

**El Paso Water Utilities:**

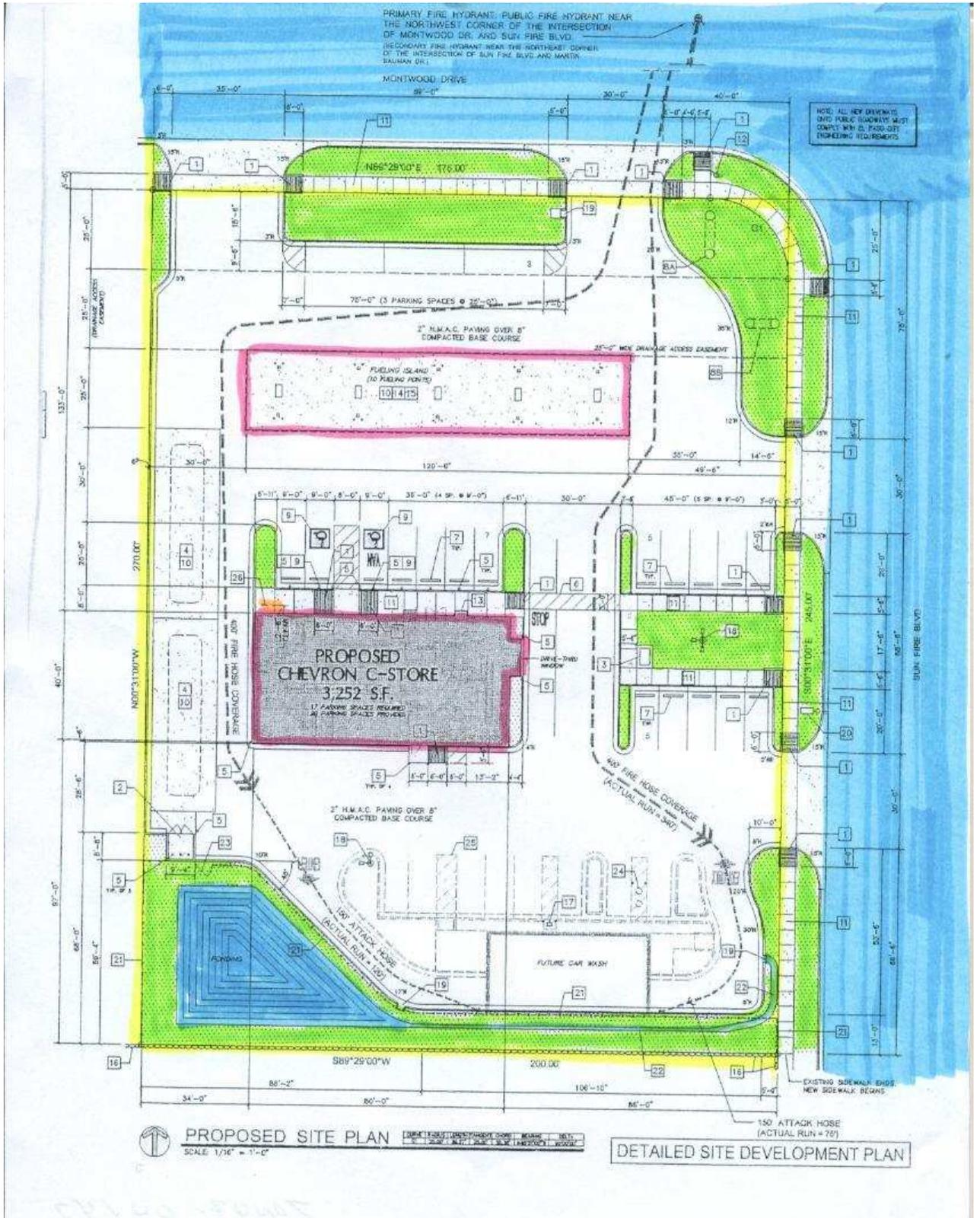
EPWU does not object to this request.



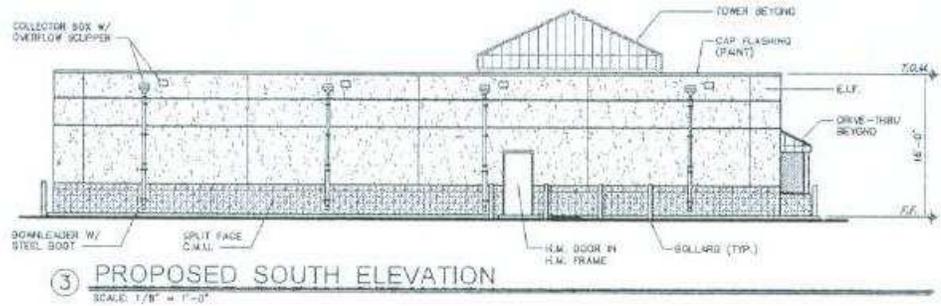
**List of Attachments:**

- Attachment 1: Detailed Site Plan
- Attachment 2: Side Elevations
- Attachment 3: Conditions
- Attachment 4: Opposition Letter 1
- Attachment 5: Opposition Letter 2
- Attachment 6: Application

# Attachment 1: Detailed Site Plan



## Attachment 2: Side Elevations



Attachment 3: Conditions

ORDINANCE NO. 011446

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.

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

That the zoning of A PORTION OF TRACT 3, SECTION 4, BLOCK 79, TSP 3, T&P RAILWAY CO. SURVEYS, as more particularly described by metes and bounds in the attached Exhibit "A", be changed from R-3 (Residential), to R-3A (Residential-Parcel 5), C-4 (Commercial-Parcels 1&2), A-O (Apartment/Office-Parcel 4) and C-1 (Commercial-Parcel 3) within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from R-3 (Residential) to R-3A (Residential), C-4 (Commercial), A-O (Apartment/Office) and C-1 (Commercial) in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

Parcels 1 &

1. Prior to issuance of building permits, the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council a detailed site development plan of the property. Such site plans should also include a landscaping plan, to show how the area adjacent to the residential uses can be buffered.

ORDINANCE NO. 011446 PAGE 1 OF 3

93-5787

Attachment 3: Conditions Continued

- 2. Provide a 15' strip of landscaping adjacent to Joe Battle Blvd. (Loop 375) and Montwood Dr.

Parcels 2,3&4

- 1. Prior to issuance of any building permits the applicants must submit for review and approval by the City Plan Commission and the Mayor and City Council, a detailed site development plan of the property.
- 2. Limiting the height of any structure to not more than 2½ stories or 35' whichever is greater.
- 3. Provide a 10' wide strip of landscaping along Montwood Dr.

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 22<sup>nd</sup> day of June, 1993.

I certify that the zoning map has been revised to reflect the amendment of ordinance # 011446 for [Signature] Date 8-4-93

THE CITY OF EL PASO

[Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

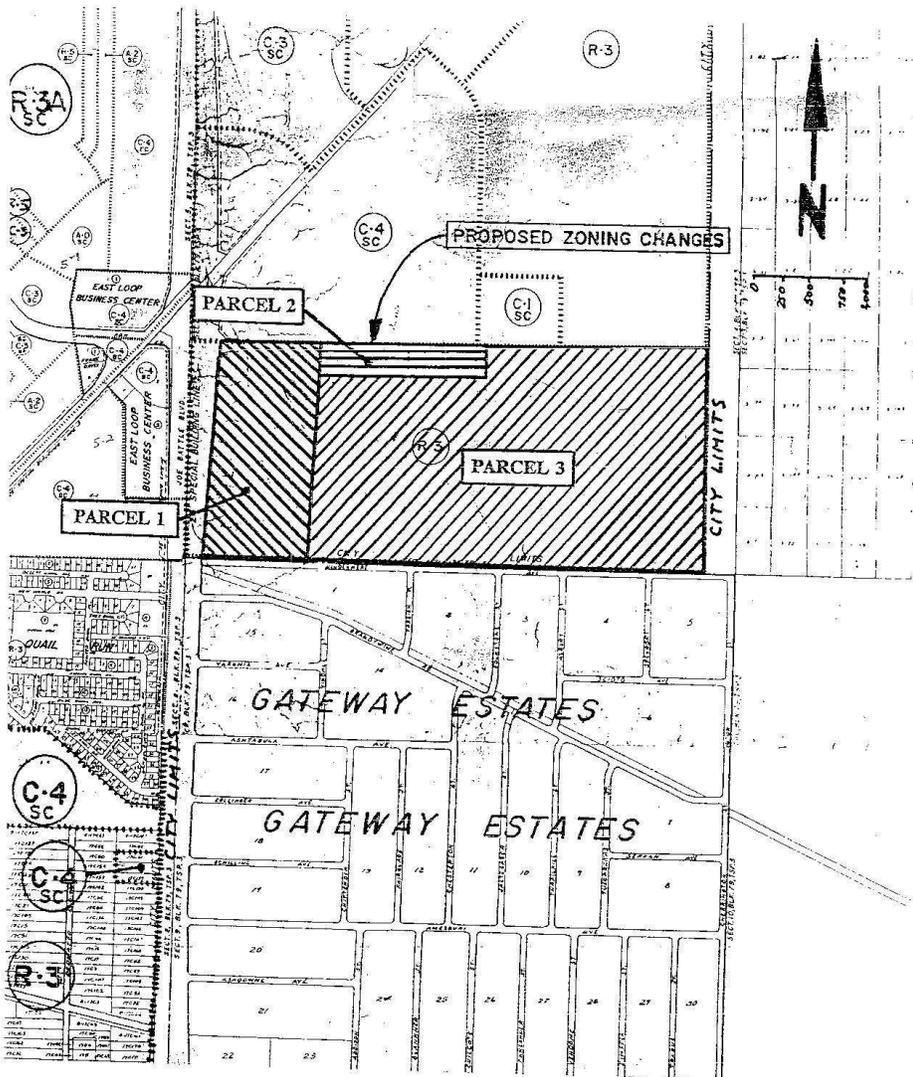
I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: V.R.  
8-4-93 COUNTER  
8-4-93 ORIGINAL  
8-4-93 Bldg. Inspection  
8-4-93 CON...

ORDINANCE NO. 011446 PAGE 2 OF 3

[Signature]

Attachment 3: Conditions Continued



**CASE NO. 93-5787  
GENERAL LOCATION MAP**

PROPERTY OWNERS: Rubin Investments

Portion of Tract 3, Sec 4, Blk 79, TSP 3, T&P Rwy CO SURVEYS

46.21+/- acres -	Parcel 1 -	from R-3 to C-4	} to allow for single-family development, a neighborhood shopping center and a major shopping center
9.9741+/- acres -	Parcel 2 -	from R-3 to C-3	
170.8245+/- acres -	Parcel 3 -	from R-3 to R-3A	

Attachment 4: Opposition Letter

Jesus and Tammy Camarena

City Plan Commission  
c/o Planning Division (Arturo Rubio)  
#2 Civic Center Plaza, 5th Floor  
El Paso, Texas 79901

Dear City Developers,

I am writing in regards to a request by SW C-Stores, LLC for a detailed site development review of property located South of Montwood Drive and West of Sun Fire Boulevard. This is to inform you of my opposition to the convenience store being built in Zone C-1 on Sunfire and Montwood (Case No. ZON07-00147). There are a few reasons to my opposition. First, it poses a safety concern on certain levels. For instance, what if an explosion occurs? Second, I feel having a convenience store this close to my home will disturb my neighborhood's new-found peace. There may be more occurrences of graffiti, drunk driving, fighting, stabbings, shootings, etc... Last, there are two convenience stores really close by, one located at Joe Battle and Zaragoza and the other located at Montwood and Zaragoza. Why not build a convenience store by Taco Cabana or Jack-in-the-box instead?

I will not be able to attend the meeting due to holiday vacation plans, so I would appreciate that my words on this page be accepted as if I were there in person. There are several neighbors who have the same feelings as I do. In preparing for the holidays, I was not able to get signatures for this letter. As Neighborhood Watch block captain on Carlos Bombach Avenue, I look out for the safety and well-being of my street and the area around it.

I would appreciate if you would send me correspondence as to what was decided at the hearing.

Thank you very much.



Tammy Camarena

CITY CLERK DEPT.  
08 FEB -5 AM 11:37

Attachment 5: Opposition Letter

JAN-02-2008 WED 04:51 PM

P. 002

Kelly Peña

Development Services Department  
City Plan Commission  
c/o Planning Division  
5<sup>th</sup> Floor  
City Hall  
2 Civic Center Plaza  
El Paso, Texas 79901-1196

January 2, 2008

Re: Case No: ZON07-00147

Dear City Plan Commission:

As a four year residential property owner in the Montwood Heights subdivision, I am opposed to the request by Southwest Convenience Stores, LLC. to submit a development plan review of the property located South of Montwood Drive and West of Sun Fire Boulevard. Many of the property owner's are of the same opinion, we do not need additional traffic and chaos that a 24 hour convenience store will no doubt bring to the neighborhood.

Thank you,  
  
Kelly Peña

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Attachment 6: Application

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08 FEB -5 AM 11:37



**DETAILED SITE DEVELOPMENT PLAN APPLICATION**  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

City of El Paso, Texas  
2 Civic Center Plaza  
El Paso, TX 79901-1196  
915-541-4024

**1. CONTACT INFORMATION**

PROPERTY OWNER(S): SW C-STORES, LLC  
 ADDRESS: 1405 PRADO ROAD ZIP CODE: 79907 PHONE: 915-860-4480  
 E-MAIL ADDRESS: aalvarado@crdist.com FAX: 915-860-4487  
 REPRESENTATIVE(S): ADRIAN ALVARADO

**2. PARCEL ONE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: M 77199900201875  
 LEGAL DESCRIPTION: BEING A PORTION OF LOT 18, BLOCK 2, MONTWOOD HEIGHTS UNIT FOUR  
 STREET ADDRESS OR LOCATION: SW CORNER OF MONTWOOD/SUNFIRE HWY REP DISTRICT: 6  
 ACREAGE: 1.24 ACRES PRESENT ZONING: C-1/C PROPOSED LAND USE: COMMERCIAL  
 REASON FOR REQUEST: DEVELOPMENT OF A NEW CONVENIENCE STORE

**3. PARCEL TWO INFORMATION**

PROPERTY IDENTIFICATION NUMBER: \_\_\_\_\_  
 LEGAL DESCRIPTION: \_\_\_\_\_  
 STREET ADDRESS OR LOCATION: \_\_\_\_\_ REP DISTRICT: \_\_\_\_\_  
 ACREAGE: \_\_\_\_\_ PRESENT ZONING: \_\_\_\_\_ PROPOSED LAND USE: \_\_\_\_\_  
 REASON FOR REQUEST: \_\_\_\_\_

**4. PARCEL THREE INFORMATION**

PROPERTY IDENTIFICATION NUMBER: \_\_\_\_\_  
 LEGAL DESCRIPTION: \_\_\_\_\_  
 STREET ADDRESS OR LOCATION: \_\_\_\_\_ REP DISTRICT: \_\_\_\_\_  
 ACREAGE: \_\_\_\_\_ PRESENT ZONING: \_\_\_\_\_ PROPOSED LAND USE: \_\_\_\_\_  
 REASON FOR REQUEST: \_\_\_\_\_

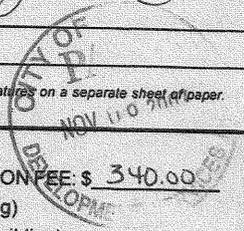
**5. ADDITIONAL INFORMATION**

OWNER(S) OF RECORD FOR THE ABOVE DESCRIBED PARCEL(S):  
 Printed Name: James M. Singleboon, V. President Signature: [Signature]  
 Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Note: Signatures are required for all owners of record for the property proposed for special permit. Attach additional signatures on a separate sheet of paper.

**\*\*OFFICE USE ONLY\*\***

ZON 07-00147 RECEIVED DATE: 11/7/07 APPLICATION FEE: \$ 340.00  
 DCC REVIEW DATE: 12/5/07 (8:30 am, Conference Room, 2<sup>nd</sup> Floor, City Hall Building)  
 CPC REVIEW DATE: 1/3/08 (1:30 pm, City Council Chambers, 2<sup>nd</sup> Floor, City Hall Building)  
 ACCEPTED BY: [Signature]



Revised 9/2006