



City of El Paso – City Plan Commission Staff Report

Case No: SUSU2-00028 Rafael Martinez Subdivision
Application Type: Resubdivision Combination
CPC Hearing Date: April 19, 2012
Staff Planner: Raul Garcia, 915-541-4935, garcia1@elpasotexas.gov
Location: South of Carolina and West of North Loop
Acreage: 0.779 acre
Rep District: 7
Existing Use: Single-family home
Existing Zoning: R-3 (Residential)
Proposed Zoning: R-3 (Residential)
Nearest School: Constance Hulbert Elementary School (0.26 mile)
Nearest Park: Carolina Park (0.45 mile)
Park Fees: \$2,740.00
Impact Fee Area: Not in Impact Fee Area
Property Owner: Rafael Martinez
Applicant: Rafael Martinez
Representative: Dorado Engineering, Inc.

SURROUNDING ZONING AND LAND USE

North: R-3 (Residential)/ Single-family development
South: R-3 (Residential)/ Single-family development
East: R-3 (Residential)/ Single-family development
West: R-3 (Residential)/ Single-family development

THE PLAN FOR EL PASO DESIGNATION: G3 Post-War

APPLICATION DESCRIPTION

The applicant is proposing two single family residential lots, one measuring 15, 591 sq. ft. and the other 18,319 sq. ft. in size. Primary access will be from Barton Street. With this replat the applicant is proposing to split a portion of a larger lot into two lots.

The applicant is also requesting a waiver of sidewalks pursuant to Section 19.21.010.C.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the waiver of sidewalks pursuant to Section 19.21.010.C(5) and **approval** of Rafael Martinez Subdivision on a **Resubdivision Combination** basis subject to the following conditions and requirements:

Staff recommends that the City Plan Commission waive the requirements to provide additional street dedication and improvements per Section 19.10.050.A(1) of the subdivision code, *the City Plan Commission may waive the requirement to dedicate and improve the substandard right-of-way if any of the following factors are met:*

- 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 and have sufficient capacity to handle the increase in traffic to be generated by the proposed development; or,*
- b. The plat is located within the City of El Paso's Extraterritorial Jurisdiction area, is not within the city's annexation path and written documentation from the County of El Paso has been received stating that the substandard road meets all County requirements and the County is willing to accept the dedication of the substandard road;*
- c. For all plats located in the City of El Paso's Extraterritorial Jurisdiction area, written concurrence from the County of El Paso is required prior to the waiver of any dedication and/or improvements.*

Staff recommends that the City Plan Commission waive the requirements to provide additional dedication, pavement, curb and gutter; based on the development meeting factor (a).

Planning Division Recommendation:

Approval with waiver of sidewalks and waiver of street improvements. The waiver of sidewalks meets the waiver requirements under Section 19.21.010.C(5) as a characteristic of the neighborhood is that no sidewalks have been required to date, the subdivision adjoins or lies within a neighborhood in which buildings or structures have been constructed on at least fifty percent of the lots within the neighborhood, and the type of subdivision and intensity of land use is compatible with the character of the neighborhood;

Planning recommends that the City Plan Commission waive the requirement to provide street improvements, pursuant to Section 19.10.050.A.1(a) as fifty percent of the lots within a quarter mile 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.

Engineering & Construction Management-Land Development:

No objections.

1. Place a note on both plats preliminary and final stating that each individual lot is subject
2. to On-Site Ponding.
3. All lots within this subdivision shall comply with all provisions of section 19.19,
4. residential On-Site-Ponding of the City of El Paso Municipal Code.
5. The subdivision shall be tied by bearing and distance to either a section corner, a survey line, a grant line, or other known and accepted survey points this tie shall be delineated on the plat.
6. Provide correct address to both plats preliminary and final.

The Subdivision is within Flood Zone X-“Areas of minimal flooding” – Panel # 480214 0044C, dated February 16, 2006.

Parks and Recreation Department:

We have reviewed Rafael Martinez Subd., a resubdivision combination plat map and offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "R-4" thus meeting the requirements for Single-family & Two-family dwelling use therefore, park fees will be assessed based on the following:

1. If gross density waiver is granted by the Planning Department or designee and covenants are provided restricting the use to a Single-family dwelling unit per lot, then applicant shall be required to pay "park fees" in the amount of \$2,740.00

Fees calculated as follows:

2 (R-4) Single-family dwelling lots @ \$1,370.00 / Dwelling = \$2,740.00

2. Failure of the subdivider to provide proof of gross density waiver with the filing of the final plat shall result in the following gross density rates hereby calculated being applied to this subdivision application, then, applicant shall be required to pay "park fees" in the amount of \$5,480.00

Fees calculated as follows:

2 (R-4) Two-family dwelling lots = 4 Dwellings @ \$1,370.00 / Dwelling = \$5,480.00

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

Please allocate funds under Park Zone: MV-1

Parks with-in zone: Carolina & Stiles

Nearest Park is Riverside - Located with-in adjacent Park Zone MV-2

El Paso Water Utilities:

We have reviewed the above referenced subdivision and provide the following comments:

EPWU-PSB Comments

EPWU does not object to this request.

Water

Along Barton Street fronting the subject Property there is an existing six (6) inch diameter water main.

Along the fifteen (15) foot wide Easement located between Barton Street and Wenda Street there is an existing four (4) inch diameter water main.

As per EPWU-PSB records 7671 Barton Street and 7675 Barton Street each have a single three-quarter (3/4) inch diameter water service.

Sanitary Sewer

Along Barton Street fronting the subject Property there is an existing six (6) inch diameter sanitary sewer main.

Along the fifteen (15) foot wide Easement located between Barton Street and Wenda Street there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 210 feet west of Wenda Street.

General

Application for water and sanitary sewer services should be made 6 to 8 weeks prior to

construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. 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.

Stormwater:

Rafael Martinez Subdivision – Resubdivision Combination

1. Include the following on-site ponding requirements as notes on the final plat. See on-site ponding notes below.

On-site Ponding Notes:

1. All lots in the subdivision are subject to on-site ponding. Lot owners are responsible for maintaining adequate provisions to accommodate all stormwater runoff generated from their respective lot plus one-half the runoff generated from all abutting street right-of-ways directly fronting the lot. The pond depth and lot grading requirements are as per approved Grading and Drainage plan for the Subdivision.
2. Walls constructed abutting street right-of-ways shall be constructed with a series of drain pipes allowing the street runoff to be conveyed to the subject property.
3. On-site ponding areas shall have maximum one (vertical) to three (horizontal) side slopes and a maximum depth of twelve (12) inches based on a one hundred year storm.
4. Permanent elevation markers shall be installed to define the levels to be maintained to ensure the effectiveness of on-site ponding. Permanent elevation markers shall not be moved, covered, or altered without written permission from the City Engineer.
5. The City and/or its Representative is granted permanent right of access to inspect the ponding areas and permanent elevation markers.
6. Filling or changing the pond, or allowing the pond to be filled or changed to an elevation greater than established by the permanent elevation markers, is prohibited.
7. On-site ponding areas and permanent elevation markers shall be constructed and inspected prior to building occupancy. Permanent Certificate of Occupancy, required to obtain utility services, will be issued only after the City of El Paso has performed the inspection.
8. No person shall be permitted to impair the functionality of an on-site pond. No more that fifty-percent (50%) of the area of any residential lot conveyed by deed shall be covered by improvements, either temporary or permanent, which shed stormwater, including but not limited to, buildings, driveways, patios, decks or landscaping underlaid with plastic sheeting or other impermeable material.
9. In the event that the functionality of an on-site pond becomes impaired whether by act of man or nature, the owner of the lot on which the impaired pond is located shall perform all corrective actions required to restore that functionality.
10. Any owner notified in writing by the City Engineer of corrective actions required to restore the functionality of an on-site pond or drainage problem on the lot shall comply within forty-five calendar days of receipt of such notice; provided, however, that nothing herein shall prevent the City from mandating an earlier time for commencement of completion during times of emergency, where there is imminent danger of loss of life, limb or property.
11. Owner of property utilizing on-site ponding waives any claim or cause of action against the City, EPWU-PSB, officials or employees, for any death, injury or property damage resulting

from alteration of the ponding capacity for that lot, including lack of maintenance.

12. These on-site ponding requirements shall be enforced by injunctive relief without the requirement for bond or other security.

13. The conveyance of property permitting on-site ponding shall declare in conspicuous language in the deed that the property is subject to on-site ponding requirements, maintenance of elevation markers, standing water on lot, and ingress and egress for inspection as stated on the plat.

Transportation – Planning:

1. Driveway shall comply with Section 19.17 (Driveways) and the Design Standards for construction for commercial driveways.

NOTE:

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

El Paso Fire Department:

No comments received.

911:

No comments received.

Sun Metro:

No comments received.

El Paso Electric Company:

No comments received.

Texas Gas Company:

No comments received.

Ysleta Independent School District:

No comments received.

Additional Requirements and General Comments:

1. Submit to the Planning & Economic 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
 - e. Deed for property to be dedicated as parkland.
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. Request for sidewalk waiver
6. Application

ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 5

El Paso Texas
April 11, 2012

From: Mr. Rafael Martinez
Rafael Martinez Subdivision
7671 Barton Road.
El Paso Texas 79915

Planning Department
To: Raul Garcia;

By means of this letter I, Rafael Martinez, am approaching you to request a deferral for concrete sidewalk in accordance with section 19.21.010.c, for my project 'Rafael Martinez Subdivision'.

The main reason is that there is no existing concrete sidewalk on this street and there is no reason to place just a small portion of sidewalk. It really does not match at all with the street and/or the area.

Thank you,

Mr. Rafael Martinez, owner

ATTACHMENT 6



CITY PLAN COMMISSION APPLICATION FOR
RESUBDIVISION COMBINATION APPROVAL

DATE: 2/9/2012 FILE NO. SUSU12-00028
 SUBDIVISION NAME: RAFAEL MARTINEZ SUBDIVISION

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
PORTION OF LOT 14, ARCADIA SUBDIVISION

2. Property Land Uses:

	<u>ACRES</u>	<u>SITES</u>		<u>ACRES</u>	<u>SITES</u>
Single-family	<u>0.779</u>	<u>2</u>	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	_____	_____	_____
School	_____	_____	_____	_____	_____
Commercial	_____	_____	Total No. Sites	<u>2</u>	_____
Industrial	_____	_____	Total (Gross) Acreage	<u>0.779</u>	_____

3. What is existing zoning of the above described property? R-4 Proposed zoning? R-4

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

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

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

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

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes No
 If answer is "Yes", please explain the nature of the modification or exception _____

9. Remarks and/or explanation of special circumstances: _____

10. Improvement Plans submitted? Yes No

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

If yes, please submit a vested rights petition in accordance with Section 19.47- Vested Rights (See Attached).



cell. 867 1190

- 12. Owner of record Rafael Martinez 7671 Barton 79915
(Name & Address) (Zip) (Phone)
- 13. Developer _____
(Name & Address) (Zip) (Phone)
- 14. Engineer FERMIN DORADO, 2717 YANDELL ST. 79903, EL PASO, TX. 79903
(Name & Address) (Zip) (Phone)
915-562-0002

CASHIER'S VALIDATION
FEE: \$1,083.00

OWNER SIGNATURE: Rafael Mte
 REPRESENTATIVE: Jose Uresti

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