City of El Paso – City Plan Commission Staff Report

Case No:	SUSU12-00060 West Texas Estates
Application Type:	Major Final **(Reconsideration)**
CPC Hearing Date:	May 8, 2014
Staff Planner:	Alejandro Palma, (915) 212-1607, *palmaaj@elpasotexas.gov*
Location:	East of Aviation Way and South of Pellicano Drive
Acreage:	36.17 acres
Rep District:	ETJ
Existing Use:	Vacant
Existing Zoning:	ETJ
Proposed Zoning:	ETJ
Nearest Park:	Burning Mesquite Park (0.99 mile)
Nearest School:	John Drugan Elementary School (0.65 mile)
Park Fees Required:	N/A
Impact Fee Area:	This property is within the Eastside Impact Fee Service Area and will be subject to impact fees.
Property Owner:	Akam Pellicano, LLC. & Hunt Communities Holding, LLC
Applicant:	SCMC
Representative:	SCMC

SURROUNDING ZONING AND LAND USE
North: ETJ/ Vacant
South: ETJ/ Vacant
East: ETJ/ Vacant
West: ETJ/ Vacant

PLAN EL PASO DESIGNATION: O6; Potential Annexation.

APPLICATION DESCRIPTION

The applicant is proposing a subdivision with 172 single-family residential lots. The smallest lot measures approximately 5,500 square feet in size; the largest lot is approximately 11,800 square feet in size. The applicant is also proposing a 1.74-acre park/pond site. Since the subdivision is located within the annexation path, the proposed park/pond will be maintained by the City of El Paso Parks and Recreation Department upon completion and acceptance. Primary access to the development will be from Aviation Way and Pellicano Drive. The application request is being reviewed under the current subdivision code.

The applicant is proposing lots that do not meet the dimensional standards as set forth in Section 19.11.030.A.1. *(Please note that the City attorney's office has advised that the lot dimensions provided in Section 19.11.030.A.1 do not apply to this subdivision).*

West Texas Estates is being reconsidered per a request by the applicant to remove the previously approved landscaping condition and a request to use Section 19.11.050 in order to defer the construction of improvements in the City's extra territorial jurisdiction (ETJ) which states the following:

> "In order to not create disincentives to development within the city limits of El Paso and to avoid future expenses for the taxpayers of the city to bring newly annexed, developed areas up to city standards, the city will require, where possible, the actual infrastructure required by this title to be installed or constructed. Where such improvements cannot be constructed at the time of plat approval, the city may require cash escrow to offset the future expense in accordance with Chapter 19.08. If the city manager or designee determines that an improvement may not be constructed within ten years, it may waive the requirement for cash escrow for such improvements".

The County of El Paso has also requested that the landscaping condition be removed, and has requested applicant to use stamped concrete. Applicant shall provide escrow in accordance with deferred construction provisions.

CASE HISTORY

West Texas Estates was approved by the City Plan Commission on a major preliminary basis on February 23, 2012 and on a final basis on June 28, 2012 with the following condition:

- Applicant will landscape the parkway area on Aviation Way and Pellicano Drive, as stipulated under Section 19.23.040(H) *The city plan commission may require that a parkway at the rear of a double frontage lot be landscaped or other aesthetic treatment be provided by the subdivider, subject to the approval of the city plan commission to provide a visual and physical separation between the development and the street.*

DEVELOPMENT COORDINATING COMMITTEE RECOMMENDATION:

The Development Coordinating Committee recommends **approval** of West Texas Estates on a **Major Final** basis, **approval** of the deferred construction per Section 19.11.050 and **removal** of the landscaping condition.

Planning Division Recommendation:

Approval.

City Development Department - Land Development:

We have reviewed subject plan recommend **Approval**; Developer/Engineer needs to address the following comments:

1. Remove note 12 from plat notes.
2. EPWU recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed storm water runoff.

Planning - Transportation:
Comments:

1. The developer shall contribute their proportionate share of traffic mitigation improvements for the following intersections:
    a. Pellicano at Sun Fire ($9,852.67)
    b. Pellicano at Aviation ($15,968.11)
2. The subdivision improvement plans are under review in accordance with Section 19.08.010.h (Criteria for Approval) of the current subdivision ordinance. The final subdivision plat approval is still subject to the City Manager's determination that the Subdivision Improvement plans comply with this and other City ordinances.

Parks and Recreation Department:
We have reviewed **West Texas Estates,** a major final plat map, and offer Developer / Engineer the following comments:

1. Please note that this subdivision is located with-in the City of El Paso Extra Territorial Jurisdiction (ETJ) area and within the **Eastside Master Plan** area of potential annexation by the City, thus subject to the calculation for Parks & Open Space ordinance Title 19 Subdivisions**, Chapter 19.20** as noted below.

Section 19.20.020 - Dedication Required

A. Dedication Required. All subdivisions located within the corporate limits of the City of El Paso and within those areas designated in the City's extra territorial jurisdiction (ETJ), as identified on an official map kept in the Development Services Department.

2. Also, please note that subdivisions within the ETJ do not have a zoning district designation however, per plat notes applicant is proposing **172** Single-family residential lots and is proposing to dedicate a **1.744 acre "Park/Pond"** therefore, complying with the minimum parkland requirements.
3. Provide covenants restricting the use to one Single-family dwelling unit per lot.
4. Please note that we offer No objections to this Subdivision application.

This subdivision is within Park Zone **E-11:**

Nearest Parks with-in adjacent Park zone **E-10**: **Mesquite Trails #1 & #2 & Mesquite Trails Off-site**

El Paso Water Utilities:
1. The subject property is located within the City of El Paso Eastside Impact Fee Service Area. Impact fees will be assessed at the time of plat and collected after the El Paso Water Utilities receives an application for water and sanitary sewer services.

Water

2. Water service to the subject subdivision will require the construction of on-site and off-site water distribution mains. Off-site water mains include the construction of a 16/24-inch diameter water transmission main along Pellicano Drive from Sun Fire Drive.

3. A 16-diameter water main will be required from the intersection of Sun Fire Blvd and

Pellicano Drive to Aviation Way. A 24-inch water main will continue along Pellicano from Aviation Way to Air Coupe Road, east of the subject development. A 12-inch diameter water main will be required along the north side of Pellicano Drive from Aviation Way to the eastern boundary line of the subdivision. A second 12-inch diameter water main will be required along Aviation Way from Pellicano Drive to the south boundary line of the subject development. All costs associated to the construction of all on-site and the off-site 12-inch diameter water mains mentioned above are the responsibility of the developer. Since the development is located outside the City Limits of El Paso, Texas the EPWU will not participate in the construction of the 12-inch diameter water mains.

4. The 16"/24" diameter water transmission main that is planned to be constructed along Pellicano Drive was included in the Impact Fee Capital Improvement Program. It is EPWU's plan to complete construction of the main by early 2013.

Sanitary Sewer

5. The EPWU has completed he construction of a 42-inch diameter sanitary sewer interceptor that extends along Aviation Way. Sanitary sewer service to the subject development will require the construction of on-site sanitary sewer mains and an off-site sanitary sewer main along Aviation Way from the subdivision to a manhole located near the southwest corner of the subject development. All costs associated to the construction of the on-site and off-site sanitary sewer mains mentioned above are the responsibility of the developer.

General

6. EPWU-PSB requires a new service application to serve the subject subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (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.

El Paso Water Utilities – Stormwater Division:

1. Remove point 12 from the plat notes as the plat is not indicating any proposed drainage easements.

2. EPWU recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavements) to reduce the amount of developed storm water runoff.

El Paso Fire Department:

No comments received.

911:

No comments received.

Sun Metro:

No comments received.

Central Appraisal District
No comments received.

El Paso Electric Company:
No comments received.

Texas Gas Company:
No comments received.

Socorro 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. Approved final plat
    b. Current certified tax certificate(s)
    c. Current proof of ownership
    d. Release of access document, if applicable
    e. 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.

3. This property is subject to impact fees. The table and respective language shall be included on the face of the final approved and recorded plat. Impact fees shall be calculated based on the table below:

    Chapter 395 of the Texas Local Government Code authorizes the City of El Paso to adopt and impose water and wastewater impact fees. This plat note fulfills an obligation mandated by Chapter 395 and sets the assessment of the impact fees in accordance with the impact fee schedule adopted by City Council as set forth below. The collection of the impact fee for this subdivision shall be prior to the time a building permit is issued if development is within the city limits or at the time of the meter connection if development is outside the city limits.

Eastside Service Area

Meter Size	Meter Capacity Ratio	Water*	Wastewater
Less than 1inch	1.00	$697.00	$920.00
1 inch	1.67	$1,163.00	$1,537.00
1½ inch	3.33	$2,321.00	$3,065.00
2 inch	5.33	$3,714.00	$4,905.00
3 inch	10.00	$6,968.00	$9,203.00
4 inch	16.67	$11,615.00	$15,341.00
6 inch	33.33	$23,223.00	$30,672.00
8 inch	53.33	$37,158.00	$49,077.00
10 inch	76.67	$40,064.00	$52,916.00
12 inch	143.33	$74,899.00	$98,924.00

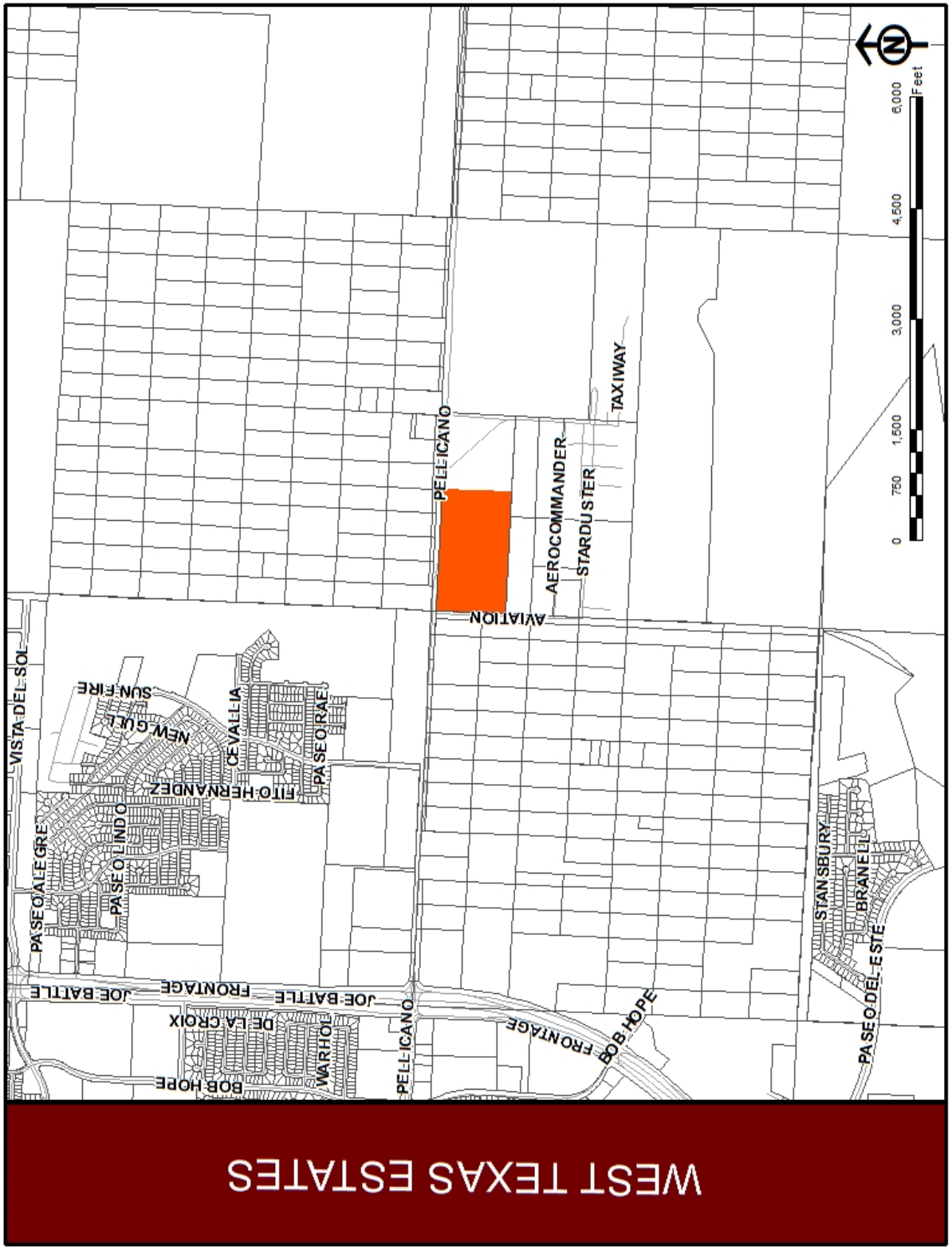
***Fees do not apply to water meter or connections made for standby fire protection service**

4. Applicant shall address the following comments prior to recordation:
   - Change City Engineer signature line in the CPC approval block to read City Development Director.
   - Correct the tax certificate, restrictive covenants, and other recording lines in the notes by removing the book and page number lines. Documents are now recorded using instrument numbers.
   - Per Section 19.15.100 of the code, add a note to the plat stating that the stub streets within the development (Barstow and Lajitas) are temporary dead-ends and will be extended into the adjacent property in the future.
   - Restrictive covenants and tax certificate recording notes are shown twice on the plat. Remove duplicates.
   - Add the statement and chart shown in Note 3 of this section of the staff report to the plat, as the property is within the Eastside Impact Fee Service Area.
   - The dedication statement must include dedication of the park/pond.
   - Submit covenants limiting the lots in the subdivision to one single-family lot each.

Attachments

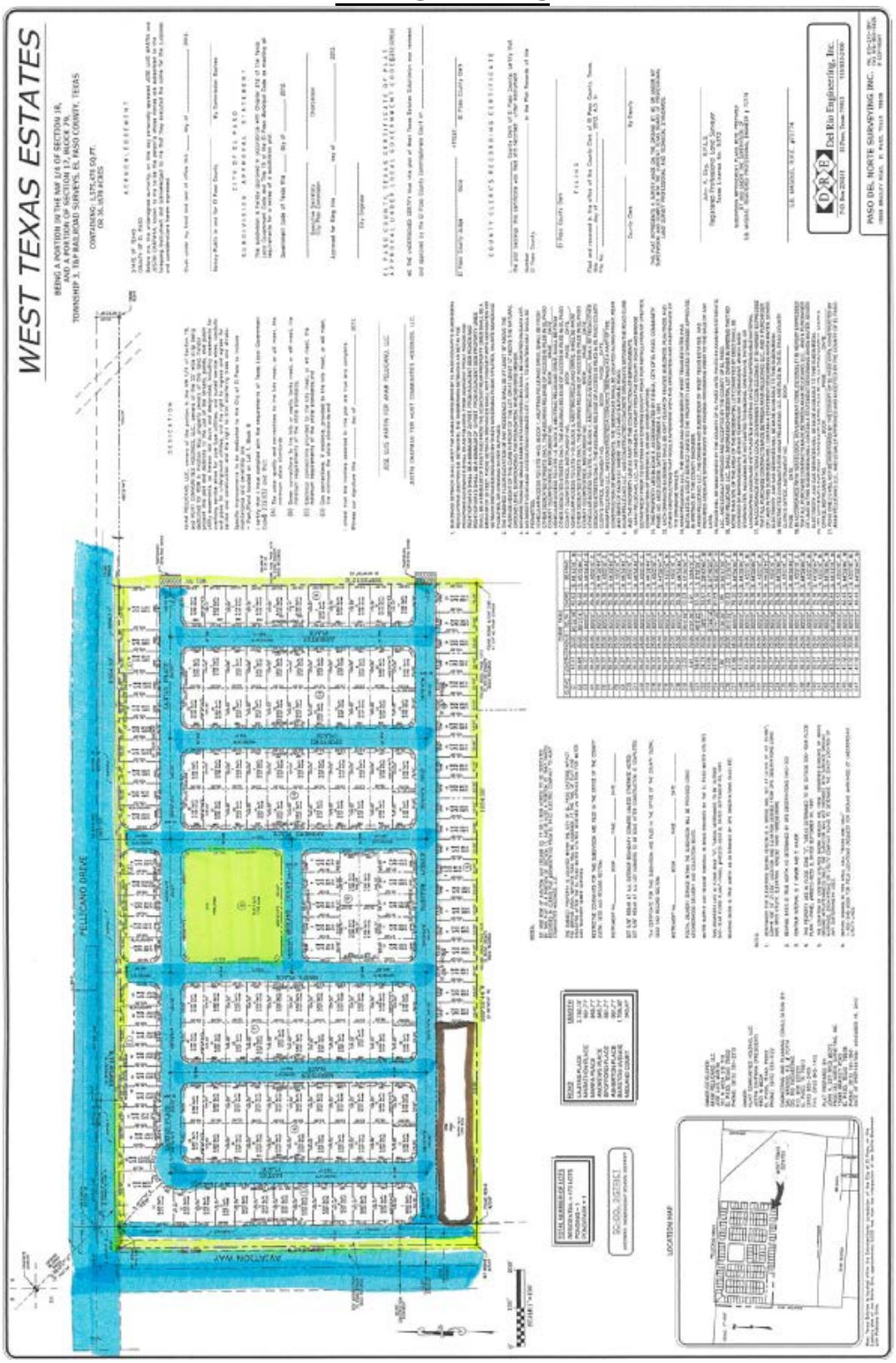
1. Location map
2. Aerial map
3. Preliminary plat
4. Reconsideration letter
5. Application

ATTACHMENT 1



ATTACHMENT 2

ATTACHMENT 3



ATTACHMENT 4

Akam Pellicano, LLC.
310 N. Mesa St., Suite 518
El Paso, Texas 79901
(915) 532-3100

April 9, 2014

City of El Paso – City Plan Commission
300 N. Campbell
El Paso, Texas 79901

Re: Case No. SUSU12-00060 West Texas Estates

Gentlemen,

The County of El Paso has requested that the landscaping at the parkways and medians at West Texas Estates subdivision be deferred and that, in some areas, replaced with stamped concrete. For this reason, we respectfully request that the CPC remove the condition imposed for landscaping requirement within the parkways and medians at Pellicano Dr. and Mission Ridge Blvd. and that the subdivision be allowed to use Section 19.11.050 Deferred construction of improvements in the City's extra territorial jurisdiction (ETJ).

> *"In order to not create disincentives to development within the city limits of El Paso and to avoid future expenses for the taxpayers of the city to bring newly annexed, developed areas up to city standards, the city will require, where possible, the actual infrastructure required by this title to be installed or constructed. Where such improvements cannot be constructed at the time of plat approval, the city may require cash escrow to offset the future expense in accordance with Chapter 19.08. If the city manager or designee determines that an improvement may not be constructed within ten years, it may waive the requirement for cash escrow for such improvements."*

The estimate from our contractor for not planting the medians and the parkways was estimated at **$19,620.00** to be credited to the developer. However, the cost of the stamped concrete additional work the County requested was estimated at **$11,280.00**. Therefore, we are kindly requesting that the City accept an escrow amount equal to the difference of these two numbers totaling **$8,340.00** in lieu of actually landscaping the parkways and medians.

For your review, we have attached herewith the modified landscape drawings along with a change order form from our general contractor for the cost and credits.

Respectfully,

Jose Luis Martin
Manager
Akam Pellicano, LLC.

ATTACHMENT 5

CITY PLAN COMMISSION APPLICATION FOR
MAJOR SUBDIVISION FINAL APPROVAL

CITY OF EL PASO PAID APR 11 2012 ENGINEERING & CONSTRUCTION MGMT DEPT

DATE: 04-12-2012 FILE NO. SUSU12-00060

SUBDIVISION NAME: WEST TEXAS ESTATES

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)
BEING A PORTION OF THE NW1/4 OF SECTION 18, AND A PORTION OF SECTION 17, BLOCK 79, TOWNSHIP 3, T&P RAILROAD SURVEYS, EL PASO COUNTY TEXAS

2. Property Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	24.820	172	Office		
Duplex			Street & Alley		
Apartment			Ponding & Drainage	1.245	1
Mobile Home			Institutional		
P.U.D.			Other (specify below)		
Park	1.744	1			
School					
Commercial			Total No. Sites	174	
Industrial			Total (Gross) Acreage	36.1678	

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

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) RETENTION BASIN DESIGN.

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: ____

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 X No ____

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

12. Owner of record Allan Pelicano, LLC 310 N Mesa Ste 518 El Paso TX 79902 (915) 351-2010
(Name and Address) (Zip) (Phone)

Owner of record Hunt Communities Holdings, LLC 4401 N Mesa El Paso TX 79902 (915) 533-1122
(Name and Address) (Zip) (Phone)

13. Developer Allan Pelicano, LLC 310 N Mesa Ste 518 El Paso TX 79902 (915) 351-2210
(Name and Address) (Zip) (Phone)

14. Engineer Del Rio Engineering, Inc. P.O. Box 220251, El Paso TX 79913 (915) 833-2400
(Name and Address) (Zip) (Phone)

CASHIER'S VALIDATION
FEE: $1,796.00

OWNER SIGNATURE:

OWNER SIGNATURE: Hunt Communities Holdings LLC

REPRESENTATIVE:

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