City of El Paso – City Plan Commission Staff Report

Case No:	SUSU16-00017 Tierra Del Este Unit 81
Application Type:	Major Preliminary
CPC Hearing Date:	May 19, 2016
Staff Planner:	Vanessa Munoz, (915) 212-1644, munozvx@elpasotexas.gov
Location:	South of Pebble Hills and East of John Hayes
Acreage:	182.026
Rep District:	ETJ (Adjacent to District 5)
Existing Use:	Vacant
Existing Zoning:	ETJ
Proposed Zoning:	R-5
Nearest Park:	Linear Parks proposed within subdivision
Nearest School:	Pebble Hills High School (0.65 miles)
Park Fees Required:	N/A
Impact Fee Area:	Eastside Impact Fee Service Area
Property Owners:	Ranchos Real XV, LLC
Applicant:	Ranchos Real XV, LLC
Representative:	Conde Inc.

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Residential Development
South: ETJ / Tierra Del Este Phase V / Vacant
West: ETJ / Tierra Del Este Phase V / Vacant
East: ETJ / Vacant

PLAN EL PASO DESIGNATION: O5 Remote

APPLICATION DESCRIPTION

The applicant proposes to subdivide 182.026 acres of land for 799 single-family lots, ranging between 5,005.00 to 8,824.44 square feet, three parks that total 7.08 acres, and two storm water ponds that total 5.108 acres. Primary access to the subdivision is proposed from Pebble Hills Boulevard. This development was reviewed under the current subdivision code.

The applicant is requesting the following exceptions:

- To allow a location map scale of 1” = 1000’.
- To allow a block perimeter that exceeds 2,400 feet for Block 518.
- To allow an alternative design for:

- Develop a modified 50’ ROW for Tim Floyd Street.
- Mike Price Drive, which includes a 142’ ROW with a 60’ park in the center.
- Charles Foster Avenue, which includes a 162’ ROW with an 80’ park in the center.

The subdivision is part of the Development Plan approved for Tierra Del Este III Phase V. The applicant has submitted an annexation application, and if approved, will be annexed into the City of El Paso.

CASE HISTORY

Tierra Del Este Unit 81 complies with the Development Plan approved with the annexation Development Agreement for Tierra Del Este III Phase V approved by the City Council on March 8, 2016.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the exception requests as per Section 19.48.030.A.2-8 and 19.26.060.B.1. and **approval** of Tierra Del Este Unit 81 on a major preliminary basis subject to the following conditions:

- The property shall be annexed into the City of El Paso prior to recording of Tierra Del Este Unit 81.
- Tierra Del Este Unit 81 and Tierra Del Este Unit 74 shall be recorded prior to or concurrently with Tierra Del Este Unit 73 in order for the lots fronting on the dead end streets to comply with Section 19.15.100.A.
- Additionally, the DCC recommends that the City Plan Commission require the applicant landscape the rear of all double-frontage lots pursuant to Section 19.23.040.H.3.C.

Planning Division Recommendation:

Approval of the exceptions requested. As per Section 19.48.030.A.2-8 (Criteria for approval) and 19.26.060.B.1. (Approval) :

19.48.030.A.2-8

A. The following criteria shall be applied in deciding a waiver or exception:

2. *The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the applicant's land;*

3. *The waiver or exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;*

4. *Granting the waiver or exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;*

5.Granting the waiver or exception will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this title, or adversely affect the rights of owners or residents of surrounding property;

6. The hardship or inequity is not caused wholly or in substantial part by the applicant;

7. The request for a waiver or exception is not based exclusively on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship; and

8. The degree of variation requested is the minimum amount necessary to meet the needs of applicant and to satisfy the standards in this title.

19.26.060.B.1.

B. Alternative Subdivision Improvement Design

1. Alternative subdivision improvement designs that either alter the road standards and applicable provisions in Chapter 19.15 or the various other physical improvement standards contained in this title or in the DSC, may be approved by the CPC upon recommendation of the city manager or designee as part of the preliminary and/or final plat approval, if the CPC and the city manager or designee agree with the engineering studies provided as part of the submission showing that the proposal meets the intent of the ordinance codified in this title and provides the same level or greater of protection, service or adequacy of the original requirement.

Approval of Tierra Del Este Unit 81 with the conditions as stated above.

Planning and Inspections Department - Land Development
We have reviewed subject plats and recommend **Approval**.
The Developer/Engineer shall address the following comments.

1. Add note to preliminary and final plat sheets: "All storm water runoff discharge volumes shall be retained within the subdivision limits and shall comply with all provisions of (DSC, 19.19.010A and DDM, 11.1)."

2. As per section (Code 19.08.010, Section D), each proposed phase of development shall have a complete drainage system, or security for all improvements that are not completed in the initial phase is provided.

3. Run-off flowing from street ROW into undeveloped terrain must do so through a temporary

catch basin to avoid erosion of the street or terrain.

4. Show the drainage flow patterns within the 20' alleys.

5. The park does not show any drainage flow pattern; need to clarify if the park will retain its own run-off or will it discharge it into the street.

Parks and Recreation Department

We have **re-**reviewed **Tierra Del Este Unit 81,** a major preliminary plat map and on behalf of CID Parks Planning Division we offer Developer / Engineer the following **"revised"** comments:

1. Please note that this Subdivision is part of the Tierra Del Este III - Phase V Land Study, is composed of **799** Single-family dwelling lots, and applicant is proposing to dedicate a 2.31 Acre Main Park & 60' & 80' wide Medians /Linear Trail / Linear Parks for a total of 7.12 acres of "Parkland" therefore, in order for this subdivision application to comply with the minimum "Parkland" requirements, Tierra Del Este #73 subdivision which has accrued "Parkland credits" in the amount of **1.18 Acres** or **118** dwelling units needs to be approved prior to or concurrently with this subdivision application.
2. Parks Department will not assume the maintenance responsible party for proposed roundabouts improvements; Coordinate with Streets and Maintenance Dept. (SAM).

Also, we offer the following **informational comments** to assist Applicant in the design of the new Park's construction drawings.
Please note that design layout (Concept & Final) need to be coordinated with Parks Department and/or department liaison/designee for review and approval and are to include at minimum the following improvements:

1. Refer to Chapter 19.20 – Parks and Open Space and the Park's Design & Construction Standards for Park Facilities as approved by Mayor and Council on June 01, 2008
2. Irrigation System must be designed to accommodate site static water pressure or a pump must be incorporated to accommodate design criteria.
3. Note for all park improvements (sidewalks, Ramps, etc.) and paved Hike/Bike trails (if applicable) to be compliant with required accessibility criteria as set forth in ADAAG & TAS standards as mandated by Federal and State Governments.
4. Project(s) must be coordinated with TDLR to insure compliance with TAS requirements to include inspection, and certificate of substantial completion; approval of the subdivision /park improvement plans is subject to applicant providing proof of the project registration number (PLD # by the State Agency).
5. No signs, fire hydrants, lights, NDCBU's, electrical/water boxes, telephone pedestals, no obstructions in general, shall be placed into proposed perimeter sidewalk, nor shall any utility conduits be placed along the park site – Any utilities with-in the parkway need to be underneath the proposed sidewalk and buried at 5' minimum cover.
6. Provide frontage lighting along adjacent Public Street rights of way. Engineer to coordinate with Parks Department and/or department liaison/designee, Planning and Inspections Engineering & Construction Management Division, SAM Dept., and E.P.E.Co., light poles type & conduit placement for perimeter lighting prior to street paving; perimeter street lighting shall be coordinated for light poles to be installed at max. 300' apart and/or at all

street intersections along the park side and not along the residential side to prevent duplication of light poles.

7. Developer / Contractor shall obtain soil samples (taken from proposed park site location finished ground) & provide complete analysis report (textural, soils classification, minerals and nutrients availability, water infiltration/percolation, detailed salinity, & PH conductivity test) with recommendations for soils amendments and preparation to insure existing soil conditions are suitable for turf, shrubs, and tree growth; coordinate site visit with Parks staff for collection of soil samples.
8. Any unsuitable soil conditions shall be remedied to eliminate hard soils, stony soils, high caliche soils, clay soils and contaminated soils to a minimum depth of 12 inches and by shattering, in two directions, of hard pan caliche, clay soils, rocks to a depth of 36 inches below finished grade as required for proper planting as per Park's Design & Construction Standards for Park Facilities approved on 01/08/2013
9. Any unsuitable soil materials not approved by Parks Department and/or department liaison/designee are to be removed, disposed-off, and replaced with top soil to a minimum depth of 12 inches.
10. Any sloped areas (if flatter areas are not feasible) along park's frontages shall be at the max. 1 vertical : 20 horizontal (5%) or as determined according to the park improvements plan review.
11. Provide adequate cross-sections enough to better understand the finished improvements.
12. Grading and drainage plan for the site, to be reviewed and approved by Parks Department and/or department liaison/designee.
13. Developer / Contractor are required to obtain irrigation, building, electrical, and any other required permit(s) from Planning & Inspections One Stop Shop City Development Division
14. At minimum, a 7' wide concrete sidewalk is required all along the park's frontage unless a Trail is required, then current Park Design Standards for Park Facilities shall apply.
15. Provide an age appropriate 2-5 or 5-12 years old play structure from approved vendors for each "Park site" or approved alternative equipment/amenities as applicable.
16. Provide shaded picnic tables and or benches and trash cans on concrete pads as applicable.
17. Street trees shall be provided along the parkway spaced at maximum 30' on center.
18. Construction of Park improvements need to be coordinated and inspected by Parks Department and/or department liaison/designee.
19. Park Site acceptance is contingent upon completion of all street improvements abutting the park.

This subdivision is located with-in "Park Zone"**: NE-9**

Nearest Parks: **Tierra Del Este #67** **&** **Tierra Del Este #69**

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

El Paso Water Utilities

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

As per EPWU-PSB Records, the Property is located outside the limits of the City of El Paso.

EPWU-PSB supports and encourages voluntary annexation to the City of El Paso.

If the Property is not annexed into the city limits of the City of El Paso the EPWU will provide water and sanitary sewer service in accordance to the Public Service Board Rules and Regulations No. 11. Under the Public Service Board Rules and Regulations No. 11, the EPWU is not obligated to participate in cost sharing such as oversizing, offsite and boundary lines.

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.

EPWU-PSB Comments

Water:
Along Pebble Hills Boulevard between Fred Roberts Drive and the easternmost limit of the Tierra Del Este Unit Seventy Two (72) subdivision there is an existing sixteen (16) inch diameter water transmission main. This main is not available for individual service; no direct service connections are allowed from this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

In addition to the above-described 16-inch diameter water main, along Pebble Hills Boulevard between Fred Roberts Drive and Mike Price Drive there is an existing twelve (12) inch diameter water main. This main is available for service.

Along Fred Roberts Drive south of Pebble Hills Boulevard, there is an existing eight (8) inch diameter water main stub-out aligned towards the south which originates from the above-described twelve (12) inch diameter main. This stub-out is available for water main extensions.

Along Pebble Hills Boulevard between the easternmost limit of the Tierra Del Este Unit Seventy Two (72) subdivision and Tim Floyd Street there is a proposed sixteen (16) inch diameter water transmission main. The Developer of the Tierra Del Este Unit Seventy Six (76) subdivision has entered into an agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to construct the described water transmission main along Pebble Hills Boulevard as part of the construction of the water and sanitary sewer mains to provide service to the Tierra Del Este Unit Seventy Six (76) subdivision. The Developer is presently constructing the 16-inch diameter water main. This main will not be available for individual service; no direct service connections are allowed from this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Sanitary Sewer:

Along Pebble Hills Boulevard between Fred Roberts Drive and the easternmost limit of the Tierra Del Este Unit Seventy Two (72) subdivision there is an existing fifteen (15) inch diameter sanitary sewer main. This main is available for service.

Along Fred Roberts Drive south of Pebble Hills Boulevard, there is an existing twelve (12) inch diameter sanitary sewer main stub-out aligned towards the south which originates from the above-described fifteen (15) inch diameter main. This stub-out is available for sanitary sewer main extensions.

Along Pebble Hills Boulevard between the easternmost limit of the Tierra Del Este Unit Seventy Two (72) subdivision and Tim Floyd Street there is a proposed fifteen (15) inch diameter sanitary sewer main. The Developer of the Tierra Del Este Unit Seventy Six (76) subdivision has entered into an agreement with the El Paso Water Utilities – Public Service Board (EPWU-PSB) to construct the described proposed sanitary sewer main along Pebble Hills Boulevard as part of the construction of the water and sanitary sewer mains to provide service to the Tierra Del Este Unit Seventy Six (76) subdivision. The Developer is presently constructing the 15-inch diameter sanitary sewer main.

General:
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.

Central Appraisal District
No objections.

Texas Gas Company
No objections.

El Paso County 911 District

No comments received.

Sun Metro

No comments received.

El Paso Department of Transportation
No comments received.

El Paso Electric Company
No comments received.

El Paso Fire Department
No comments received.

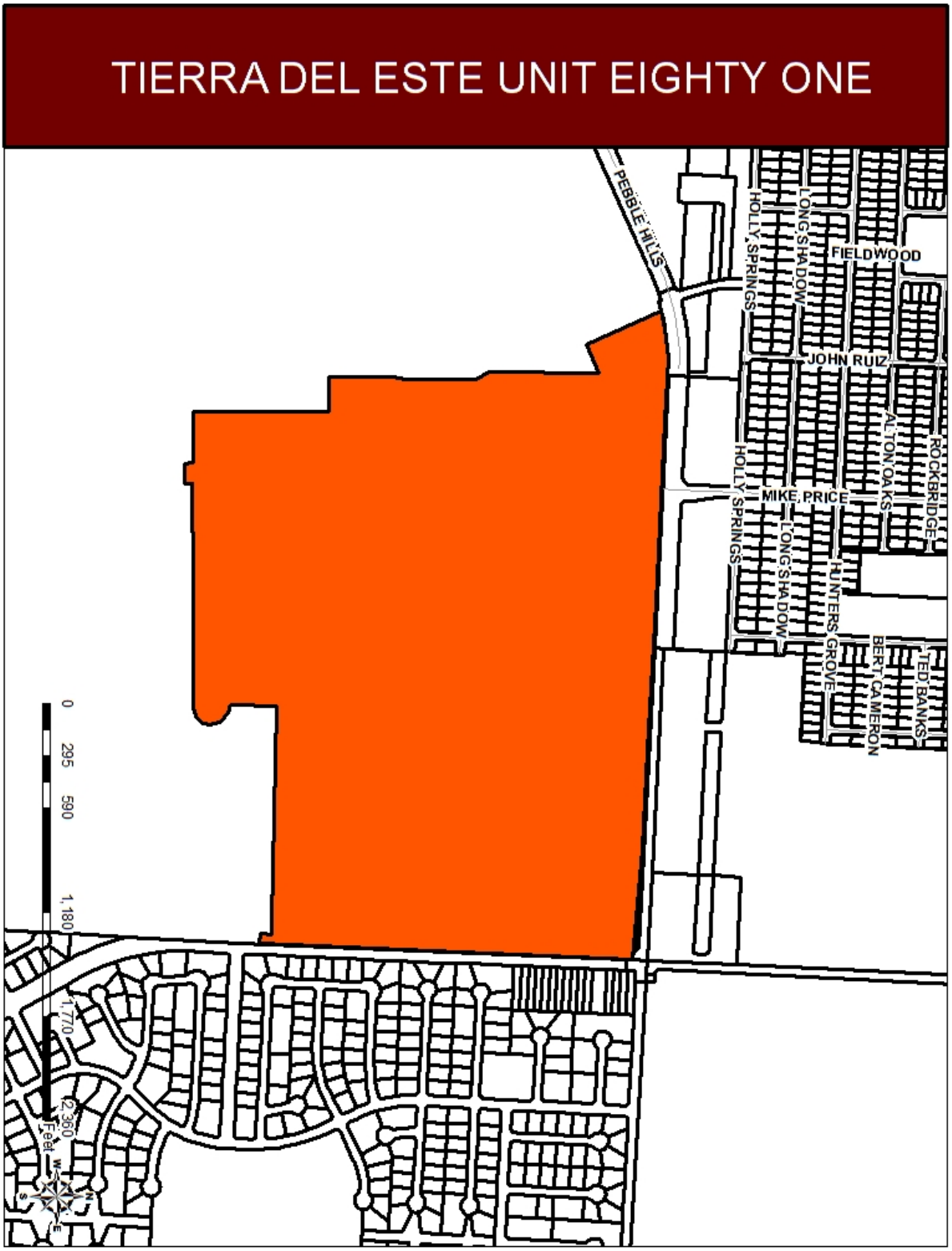
Additional Requirements and General Comments:

1. Submit to the Planning and Inspections 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
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. Add square footage to Lot 22, Block 524.
4. Remove "City of El Paso" from legal description.

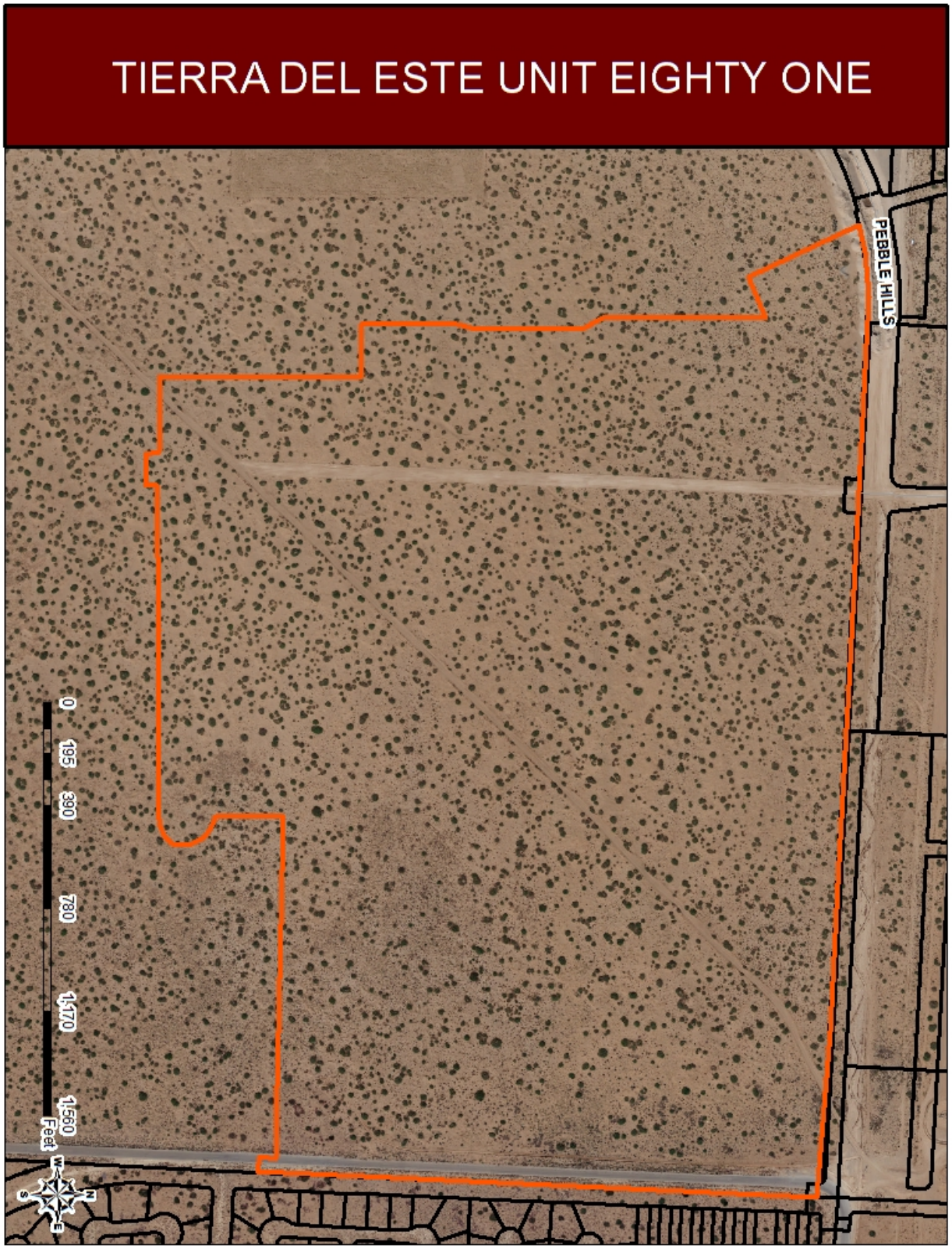
Attachments

1. Location map
2. Aerial map
3. Preliminary plat
4. Exception Request
5. Alternative Design Request
6. Application

ATTACHMENT 1



ATTACHMENT 2



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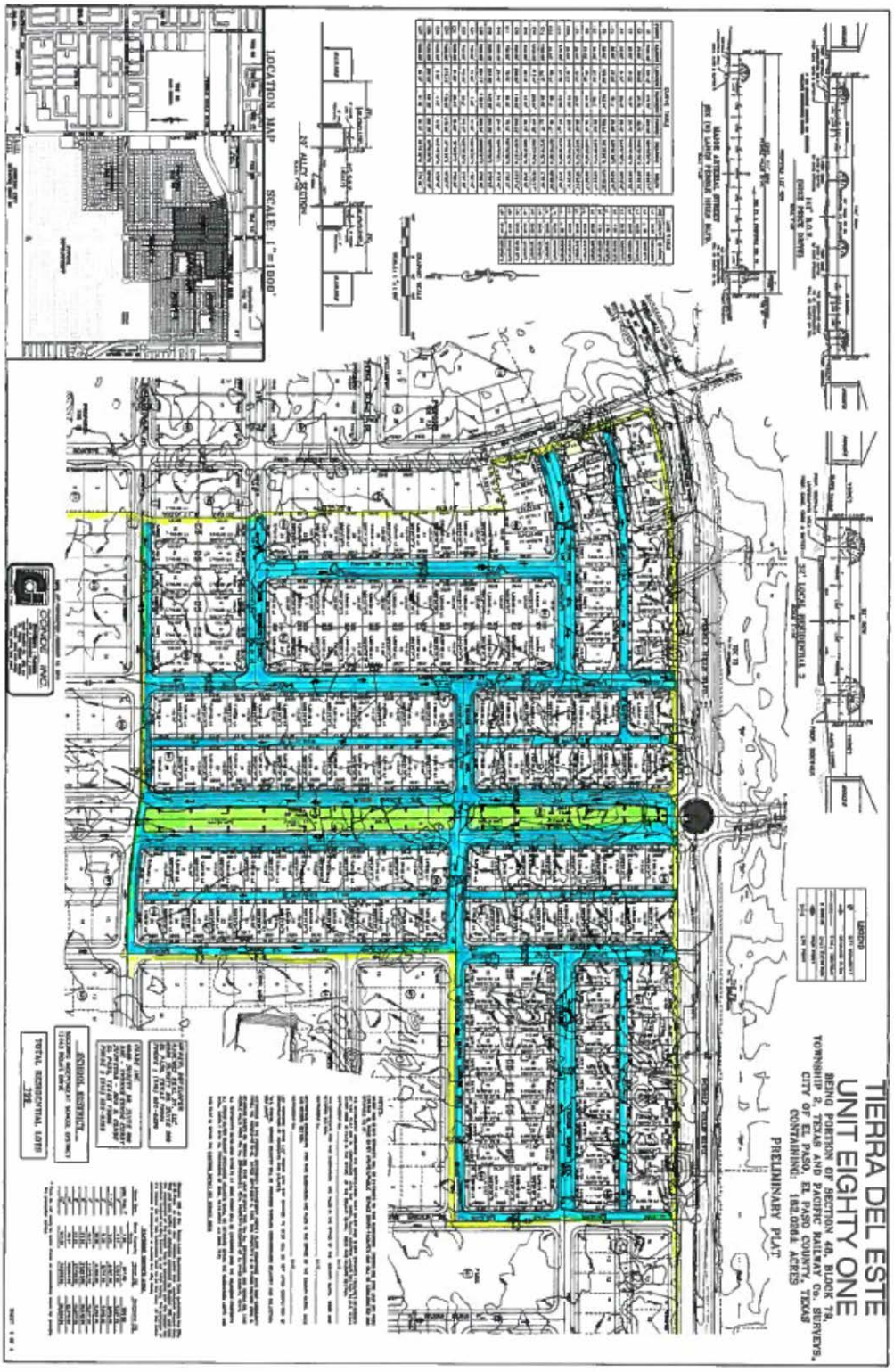
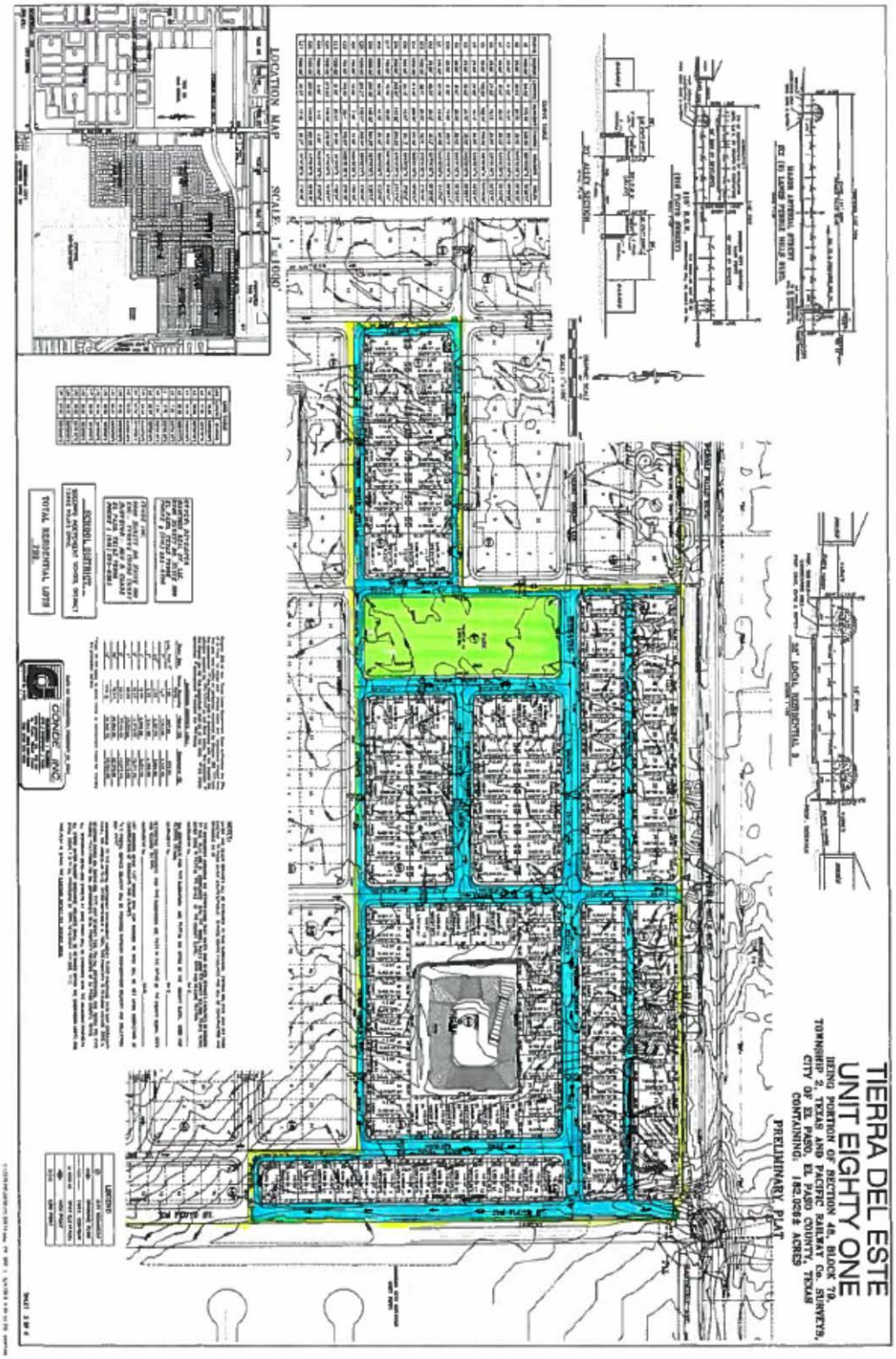
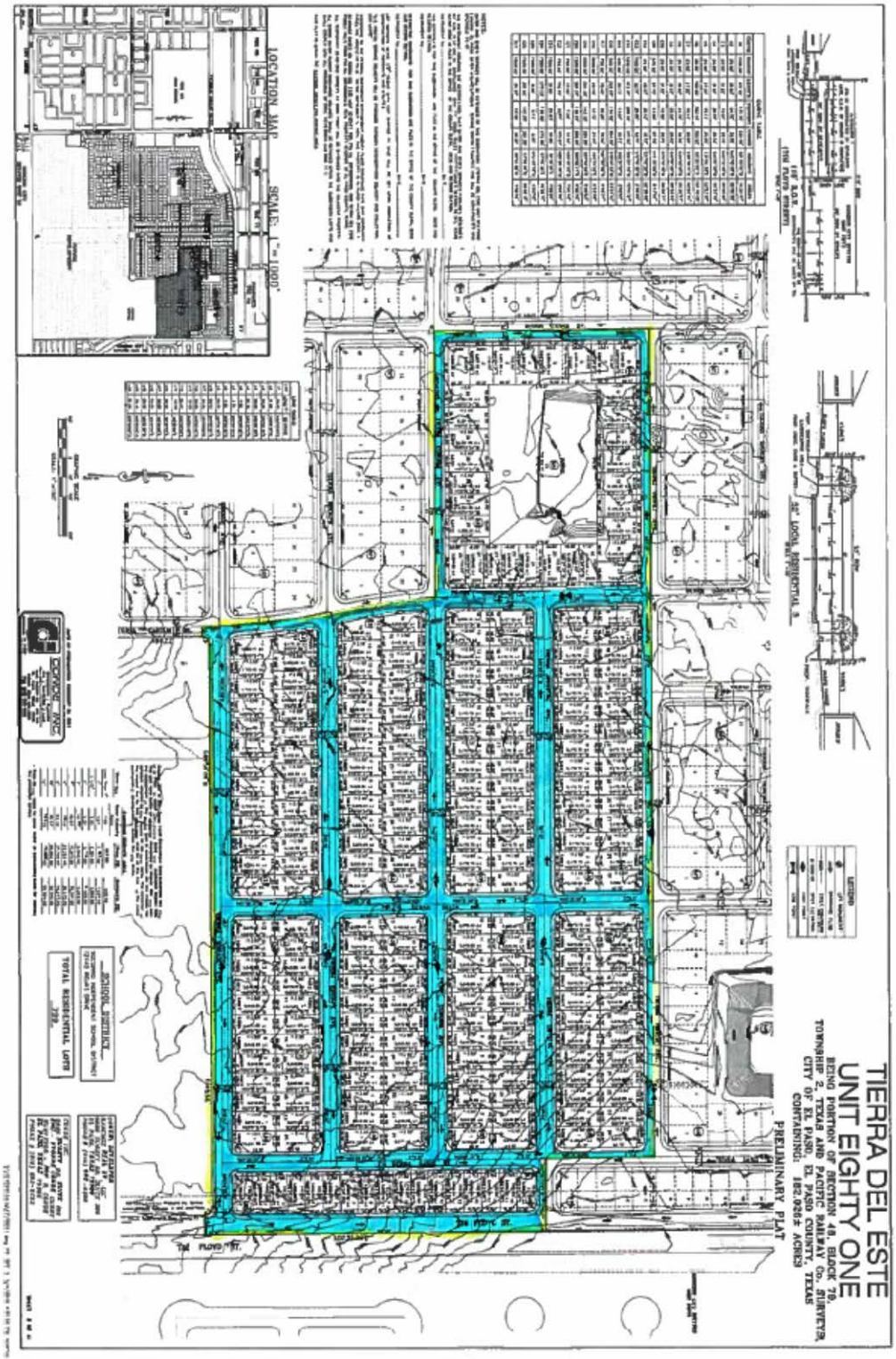
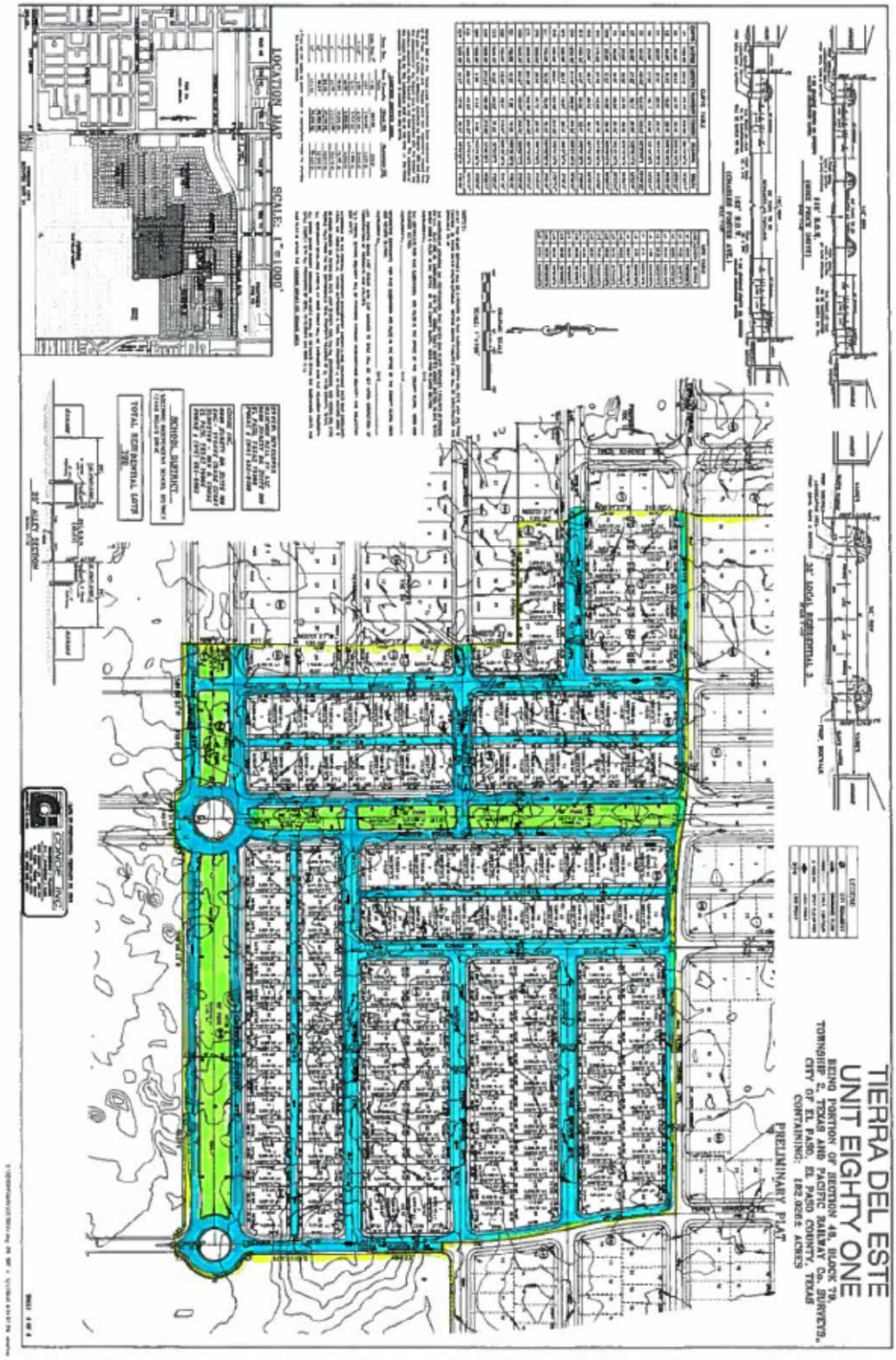



TIERRA DEL ESTE
UNIT EIGHTY ONE
BEING PORTION OF SECTION 45, BLOCK 79,
TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO. SURVEYS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 182.2648 ACRES
PRELIMINARY PLAT
LOCATION MAP
SCALE: 1"=1000'
CONCE INC


TIERRA DEL ESTE
UNIT EIGHTY ONE
BEING PORTION OF SECTION 48, BLOCK 70,
TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY CO. SURVEY,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 182.0984 ACRES
PRELIMINARY PLAT
LOCATION MAP
SCALE: 1"=1000'
TOTAL RESIDENTIAL LOTS
TOTAL PLOTS


TIERRA DEL ESTE
UNIT EIGHTY ONE
BEING A PORTION OF SECTION 24, BLOCK 79,
TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY SURVEYS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING: 182.0202 ACRES
PRELIMINARY PLAT
LOCATION MAP
SCALE: 1"=1000'
LEGEND
SCHOOL DISTRICT
TOTAL RESIDENTIAL LOTS
TOTAL NON RESIDENTIAL LOTS
PARK
SCALE: 1"=100'

ATTACHMENT 4

CONDE INC

May 2, 2016

City of El Paso
Planning & Inspections – Planning Division
801 Texas Avenue
City of El Paso, Texas 79901

Attention: Vanessa Munoz

Re: *Tierra Del Este Unit 81*

Dear Vanessa,

As per your request, we are submitting a Request for Exception per Section 19.48 due to the requirements listed in Chapter 19- Location Map Scale and Section 19.15.080 Street Length (Block Perimeter). Thus, per section 19.48, we are meeting the following conditions.

1. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the applicants land;
2. The wavier or exception is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting the waiver or exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. Granting the waiver or exception will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Chapter, or adversely affect the rights of owners or residents of surrounding property;
5. The hardship or inequity is not caused wholly or in substantial part by the applicant;
6. The request for a waiver or exception is not based exclusively on the applicant's desire for increased financial hardship; and
7. The degree of variation requested is the minimum amount necessary to meet the needs of applicant and to satisfy the standards in this section.

If you have any questions or comments on the above please let me know. Thank you for your time and consideration in this matter.

Sincerely,

Conrad Code
CONDE, INC.

ENGINEERING/PLANNING/SURVEYING
6080 SURETY DR., SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283 / FAX (915) 592-0288

ATTACHMENT 5

CONDE INC

May 3, 2016

Vanessa Munoz
City of El Paso
Planning & Inspections Department
801 Texas Avenue
El Paso, Texas 79901

RE: Tierra Del Este Unit 81

Dear Vanessa,

On behalf of Ranchos Real XV, L.L.C., we want to thank you for all of your assistance regarding the processing of the above referenced project. Please accept this letter as our formal request per Section 19.26.040 - Alternative Subdivision Improvement for Tierra Del Este Unit 81 Design. The request is to allow for:

- A modified Arterial street cross section to allow for parking, bike and bike buffer lanes.
- To also allow for Parks within the modified Arterial streets.

If you have any questions or need additional information, please feel free to contact us.

Sincerely,

Conrad Conde
CONDE, INC.

ENGINEERING/PLANNING/SURVEYING
6080 SURETY DR., SUITE 100 / EL PASO, TEXAS 79905 / (915) 592-0283 / FAX (915) 592-0286

ATTACHMENT 6

CITY PLAN COMMISSION APPLICATION FOR MAJOR PRELIMINARY SUBDIVISION APPROVAL

DATE: April 15, 2016 File No. _____.

SUBDIVISION NAME: Tierra Del Este Unit 81.

1. Legal Description for the area included on this plat (Tract, Block, Grant, etc.)
Being a Portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

2. Proposed Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	133.433	799	Office		
Duplex			Street & Alley	36.405	1
Apartment			Ponding & Drainage	5.108	2
Mobile Home			Institutional		
P.U.D.			Other (specify below)		
Park	7.08	3			
School					
Commercial			Total No. Sites 805		
Industrial			Total Acres (Gross) 182.026		

3. What is existing zoning of the above described property? n/a Proposed zoning? R-5

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

5. What type of utility easements are proposed? Underground _____ Overhead _____ Combination of Both X

6. What type of drainage is proposed? (If applicable, list more than one)
Lots to street to Drainage Structure

7. Are special public improvements proposed in connection with the development? Yes Per Title 19.26.040 No _____.

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes X No _____.
If answer to 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 _____ No X (vested per Development Agreement)

If yes, please submit a vested rights petition in accordance with Title I (General Provisions) Chapter 1.04 –Vested Rights

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890 | (915) 212-0085

12. Owner of record Ranchos Real XV, LLC 6080 Surety Dr., Ste. 300 79905 592-0290
(Name & Address) (Zip) (Phone)

13. Developer Ranchos Real XV, LLC 6080 Surety Dr., Ste. 300 79905 592-0290
(Name & Address) (Zip) (Phone)

14. Engineer CONDE INC. 6080 Surety Drive, Ste. 100, El Paso, TX 79905 915-592-0283
(Name & Address) (Zip) (Phone)

Effective September 1, 2014, a 3% Technology fee has been added to all Planning application fees.

Ranchos Real XV, LLC

OWNER SIGNATURE: _____
Douglas A. Schwartz

REPRESENTATIVE: _____

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

City Development Department
811 Texas | P.O. Box 1890 | El Paso, Texas 79950-1890| (915) 212-0085