



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

\*\*\*\*REVISED\*\*\*\*

**Case No:** SUSC16-00004 Montecillo Unit Nine East  
**Application Type:** Resubdivision Combination  
**CPC Hearing Date:** September 22, 2016  
**Staff Planner:** Joaquin Rodriguez, (915) 212-1608  
[rodriguezjx3@elpasotexas.gov](mailto:rodriguezjx3@elpasotexas.gov)  
**Location:** West of Mesa and North of Montecillo Drive  
**Acreage:** 4.25 4.4628 acres  
**Rep District:** 8  
**Existing Use:** Vacant  
**Existing Zoning:** SCZ-T40 (Smart Code)  
**Proposed Zoning:** SCZ-T40 (Smart Code)  
**Nearest Park:** Future park-sites proposed within adjacent subdivisions.  
**Nearest School:** Morehead Middle School (.83 mile)  
**Park Fees Required:** N/A  
**Impact Fee Area:** N/A  
**Property Owner:** EPT Mesa Development, LLC  
**Applicant:** EPT Land Development  
**Representative:** Brock & Bustillos, Inc

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

**North:** R-4 (Residential) / Single family homes  
**South:** SCZ (Smart Code Zone) / Vacant  
**East:** SCZ (Smart Code Zone) / Vacant  
**West:** SCZ (Smart Code Zone) / Vacant

**PLAN EL PASO DESIGNATION:** G2, Traditional Neighborhood (Walkable)

### **APPLICATION DESCRIPTION**

The applicant proposes to subdivide 4.4628 acres for a smart code development including 50 townhome lots, 9 single family lots and 9 open space sites. The townhome lots range between 900 and 1,100 square feet. Single family lots range between 4,500 and 17,000 square feet. Primary access to the subdivision is proposed from Festival Drive. The applicant is proposing 4 private streets to serve the townhome sites. This application is being reviewed under Title 21 (SmartCode) and is required to comply with the approved Montecillo Regulating Plan. The applicant was granted administrative approval of an exception to allow for reduced intersection offsets in accordance with 19.15.120.

The applicant has requested the following exceptions to be considered by the City Plan Commission:

1. An exception to allow for private streets in accordance with 19.15.150
2. An exception to allow for a street to change widths in an intersection.

### **DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends approval of exceptions and approval of Montecillo Unit 9 East, subject to the following conditions and staff comments:

1. Recording of Montecillo Unit 9 East will be subject to the prior recording of Montecillo Unit 4 "A" to provide vehicular access and utility service.
2. Prior to recording the applicant will submit covenants in accordance with 19.15.050.D.7 for the proposed private streets for approval by the city attorney's office
3. Recording of Montecillo Unit 9 East will be subject to the approval of a regulating plan amendment reflecting the layout of the plat.

### **Planning Division Recommendation**

Staff recommends approval of exceptions and approval Montecillo Unit Nine East on a Resubdivision Combination basis subject to the following comments:

Staff recommends approval of the request to allow for private streets, in accordance with 19.15.150:

- A. *Permitted Only as Local Street. Private streets shall require approval as an exception at the time of preliminary plat approval by the city plan commission in accordance with this title. No streets or thoroughfares shown on the adopted thoroughfare plan may be a nonpublic street. Construction and development of private streets shall meet the standards for right-of-way width and improvement as set forth in this chapter as applied to public streets.*

The proposed private streets will serve townhomes in a cohesive neighborhood type development and are meet all requirements of Title 19 for private streets as well as Title 21 and the approved regulating plan for the Montecillo area.

Staff recommends approval of the request to allow for a street to change width at an intersection. In accordance with 19.48.030 the City Plan Commission may grant exceptions to the standards or requirements of Title 19 that meet the following criteria.

1. *There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this title to the proposed use would create an unnecessary hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;*
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.*
- 
- ~~1. No combination of two streets intersecting a third shall have their centerlines off set any less than the distance specified in Table 19.15-4. The city manager or designee may grant an exception where infill, topographic or other physical features render the required off-set unnecessary or impractical. Provide letter requesting exception.~~
  - ~~2. The street configuration of Vin Bugarra varies along its length; the applicant will reconfigure this street to be consistent with the proposed cross section along its entire length.~~
  - ~~3. The applicant will revise the subdivision boundary of Montecillo Unit 4 "A" to coincide with the proposed subdivision boundary and provide appropriate and equivalent street classifications on both plats.~~

### **Plan El Paso Goals & Policies**

The applicant's proposal meets the following Plan El Paso's goal and policies:

Goal 2.2: The City of El Paso should change its growth pattern away from homogeneous land uses and return to a pattern of compact well-connected mixed-use neighborhoods.

Policy 2.2.2: The design of new neighborhoods and additions to existing neighborhoods should strive for a mix of housing types to create neighborhoods that accommodate diverse ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave the neighborhood. Housing types include both small and large single-family detached homes, duplexes, townhouses, multi-family buildings, live-work units, and accessory dwelling units, and include both rental apartments and units that can be owned by their occupants.

Policy 2.2.6: The design of new neighborhoods and additions to existing neighborhoods should strive for a balance of housing, jobs, shopping, recreation, and civic uses to avoid unnecessary travel and reduce infrastructure and public services costs.

### **Planning & Inspections Department – Long Range Planning**

1. A Preliminary Building Scale Plan for the area of this plat was approved by the Consolidated Review Committee on April 28, 2016 (PLBS16-00002).

2. Prior to the issuance of building permits, a Final Building Scale Plan shall be submitted for approval by the Consolidated Review Committee.
3. Prior to or concurrent with approval of a Final Building Scale Plan, a Regulating Plan Adjustment shall be submitted for approval by the Consolidate Review Committee reflecting the changes to street layout and thoroughfare assignment depicted in this plat and the approved Preliminary Building Scale Plan.

### **Planning and Inspections Department - Land Development**

We have reviewed subject plats and recommend **Approval**.

The Developer/Engineer shall address the following comments.

1. Label street classification on each of the typical street cross section details.
2. Verify typical street cross section for Vin Bugarra Place.

### **Capital Improvement Program – Parks**

We have reviewed **Montecillo Unit Nine East**, a major combination plat map and on behalf of CID Parks & Planning Division we offer Developer / Engineer the following comments:

Please note that this subdivision is zoned "SCZ" (Smart Code Zoning) therefore not required to comply with the parkland dedication ordinance Title 19 – Subdivision & Development Plats, **Chapter 19.20 - Parks & Open Space**, however, applicant needs to comply with Title 21 Smart Code Civic Space requirements and with approved Amended Montecillo Development Regulating Plan.

Also, please note that approved Amended Montecillo Development Regulating Plan (on file) doesn't show this subdivision plat meeting the required playground shed area therefore, approval of this subdivision application is subject to the following comments:

1. A playground needs to be provided with-in this area or adjacent development meeting the required playground shed area – Provide copy of an approved Amended Montecillo Development Regulating Plan verifying said requirement is in compliance.
2. Common Open Areas noted on plat shall not count towards the required Civic Space / Park space - Parks Department will not be the maintenance responsible party.

This Development is located with-in Park Zone: **NW-2**

Nearest Park: **Galatzan Park**

### **Capital Improvement Program – Transportation**

No comments received.

### **El Paso Water Utilities**

El Paso Water has reviewed the subdivision described above and provide the following comments: Private Drives shall be labeled as full width utility easements. A 20-foot wide easement shall be reserved for EPWater-PSB.

### **EPWater Comments**

Water and sewer service to the subdivision is contingent upon the construction and acceptance of water and sewer mains within Montecillo Unit 4 Replat A.

Water and sewer mains shall be located in separate trenches from other utilities and with separation that complies with TCEQ.

Due to the private alley's access road constraint, El Paso Water can accommodate the water and sewer mains within a minimum 20-foot PSB utility easement. Also, the Minimum cover should be 4 feet from the top of pipe to the finished grade for 6-inch and 8-inch diameter water mains.

**Water:**

The subdivision requires the extension of an 8-inch diameter water main along Vin Etienne Dr. and Vin Bugarra Pl. from the future 8-inch diameter water main from Montecillo Unit 4 Replat A. The subdivision requires the extension of an 8-inch diameter water main along Vin Marbella Dr. from the future 8-inch diameter water main from Montecillo Unit 4 Replat A.

Extensions are required along Vin Raliuga Ct., Vin Benicarlo Pl., and Vin Almoradi Ct.

The subdivision will be located within an intermediate pressure zone. Private water pressure regulating devices will be required at every lot within the intermediate pressure zone. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. The lot/home buyer shall be responsible for the operation and maintenance of the above-described water pressure regulating devices.

**Sanitary Sewer:**

The subdivision requires the extension of an 8-inch diameter sewer main along Vin Etienne Dr. from the future 8-inch diameter sewer main from Montecillo Unit 4 Replat A.

The subdivision requires the extension of an 8-inch diameter sewer main along Vin Marbella Dr. and Vin Bugarra Pl. from the future 8-inch diameter sewer main from Montecillo Unit 4 Replat A. Extensions are required along Vin Raliuga Ct., Vin Benicarlo Pl., and Vin Almoradi Ct.

**General:**

The water and sanitary sewer mains mentioned above are required to be installed and accepted by EPWater-PSB prior to providing service to the subject property. The water mains are to be installed creating a looped system.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the

operation of EPW maintenance vehicles. EPWater-PSB requires access to the existing sanitary sewer facilities within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide service 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 EPWater – 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.

**Streets and Maintenance Department**

No comments received.

**El Paso Electric Company**

No comments Received.

**Sun Metro**

No comments received.

**El Paso County 911 District**

No comments received.

**El Paso Fire Department**

No comments received.

**Central Appraisal District**

The applicant shall renumber the northern block to block 37 and the entire townhome block, including all private streets to block 36.

**Texas Gas Company**

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.

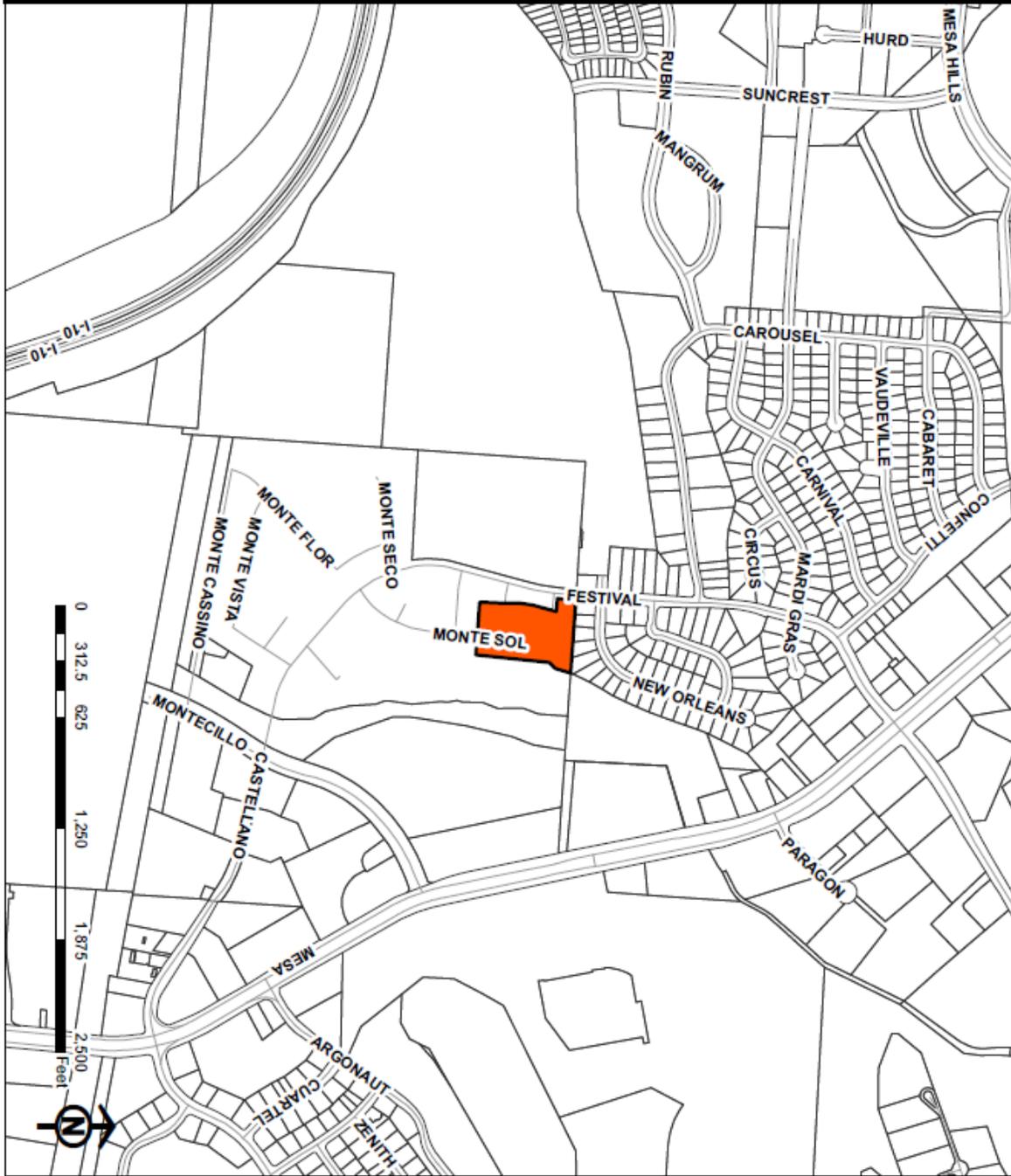
3. Where private streets, common open space or other similar types of property are included as part of a planned development, the applicant shall submit documentation, subject to plan commission approval, for assuring continued retention and perpetual maintenance of common open space and perpetual maintenance and repair of private streets by restrictive covenants, deed restrictions or other methods.

**Attachments**

1. Location map
2. Aerial map
3. Preliminary Plat
4. Final Plat
5. Application
6. Exception Request

ATTACHMENT 1

**MONTECILLO UNIT NINE EAST**



ATTACHMENT 2

**MONTECILLO UNIT NINE EAST**







# ATTACHMENT 5



## CITY PLAN COMMISSION APPLICATION FOR RESUBDIVISION COMBINATION SUBDIVISION APPROVAL

DATE: 09.21.16 FILE NO. SUSC16-00004  
 SUBDIVISION NAME: MONTICILLO UNIT NINE EAST

1. Legal description for the area included on this plat (Tract, Block, Grant, etc.)  
 • Being a Replat of a Portion of Lot 6, Block 2, Montecillo Unit Three, Repalt "B", City of El Paso, El Paso County, Texas. Containing 4.4628 Acres

2. Property Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	<u>±1.43</u>	<u>9</u>	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	<u>Townhomes</u>	<u>±2.45</u>	<u>1</u>
School	_____	_____		_____	<u>10</u>
Commercial	_____	_____	Total No. Sites	_____	_____
Industrial	_____	_____	Total (Gross) Acreage	<u>4.4628</u>	_____

3. What is existing zoning of the above described property? SC Proposed zoning? SC

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

Private Streets (19.15.150) Street offsets (19.15.120) Intersection Transitions (19.15.060E 19.15.060)

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 Title I (General Provisions) Chapter 1.04 - Vested Rights

*See Attached  
Exception letter*

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

*P1/2*

SUSC 16-0004  
manicillo Unit 9 EAST  
P12

12. Owner of record EPT Mesa Development, LP 444 Executive Center Blvd., Suite 238 El Paso 79902 915-825-8100  
(Name & Address) (Zip) (Phone)
13. Developer EPT Land Communities Same Same  
(Name & Address) (Zip) (Phone)
14. Engineer Brock Sustillos 477 Executive Center Blvd El Paso 79902 915-542-4900  
(Name & Address) (Zip) (Phone)

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

OWNER SIGNATURE: 

REPRESENTATIVE: Paul Boga

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

## ATTACHMENT 6

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EPT Land Communities  
444 EXECUTIVE CENTER BLVD., SUITE 238  
EL PASO, TEXAS 79902  
VOICE (915) 838-8100  
FAX (915) 838-8200

September 21, 2016

Mr. Nelson Ortiz  
Planning and Inspections – City of El Paso  
801 Texas Ave.  
El Paso, TX 79901

Re: Montecillo Unit 9 East – Request for Exceptions

Nelson,

Please accept this letter as my request to secure the following:

1. An Exception which allows **private streets** within Montecillo Unit 9 East. This request is made pursuant to Code Section 19.15.150.
2. An Exception which allows **street offsets** within Montecillo Unit 9 East. This request is made pursuant to Code Section 19.15.120.
3. An Exception which allows **intersection transitions** within Montecillo Unit 9 East. This request is made pursuant to Code Section(s) 19.15.060 (E) and 19.48

Regards,

A handwritten signature in blue ink that reads 'David Bogas'.

David Bogas  
Director of Development



EPT Land Communities  
444 EXECUTIVE CENTER BLVD., SUITE 238  
EL PASO, TEXAS 79902  
VOICE (915) 838-8100  
FAX (915) 838-8200

September 21, 2016

Mr. Nelson Ortiz  
Planning and Inspections - City of El Paso  
801 Texas Ave.  
El Paso, TX 79901

Re: Montecillo Unit 9 East - CPC Staff Report for September 22, 20167  
Planning Division Recommendation - Item 2 - Vin Bulgara Width

Nelson,

Please accept this letter as my request to secure the following:

1. An Exception which eliminates the need to make the entire length of Vin Bulgara 26' wide. We need to choose between the 26' width or the alignment with the private drive on the south side of Vin Marbella Dr. We opted to do our best to align. Our request is to receive an exception pursuant to Code Section 19.15.120.

Regards,

A handwritten signature in black ink that reads 'David Bogas'.

David Bogas  
Director of Development