



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

**(2<sup>nd</sup> REVISED)**

**Case No:** SUSU14-00103 – Tierra Del Este #67 Replat A  
**Application Type:** Resubdivision Combination  
**CPC Hearing Date:** November 20, 2014  
**Staff Planner:** Nelson Ortiz, (915) 212-1606, [ortiznx@elpasotexas.gov](mailto:ortiznx@elpasotexas.gov)  
**Location:** South of Edgemere and East of John Hayes  
**Acreage:** 0.1414 acres  
**Rep District:** 5  
**Existing Use:** Single-family dwelling  
**Existing Zoning:** R-5/ (Residential)  
**Proposed Zoning:** R-5 (Residential)  
**Nearest Park:** Adjacent to Tierra Vista Park  
**Nearest School:** James P. Butler Elementary School (0.85 mile)  
**Park Fees Required:** N/A  
**Impact Fee Area:** N/A  
**Property Owner:** Carefree Homes II  
**Applicant:** Carefree Homes II  
**Representative:** Conde, Inc.

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

**North:** R-5 / Residential Development  
**South:** R-5 / Residential Development  
**East:** R-5 / Residential Development  
**West:** R-5 / Park

**PLAN EL PASO DESIGNATION:** G-4 Suburban (Walkable)

### **APPLICATION DESCRIPTION**

The applicant proposes to resubdivide one residential lot. The applicant has constructed a home that encroaches onto a 10' utility easement. With this application, the applicant is requesting to vacate the subject easement, dedicated by the original Tierra Del Este #67 plat, in order to fix the encroachment. This development was reviewed under the current subdivision code.

### **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 200 feet of the subject property and within the original subdivision on November 10, 2014. The Planning Division did not receive any phone calls or letters in support or in opposition to the request.

**DEVELOPMENT COORDINATING COMMITTEE**

The Development Coordinating Committee recommends **approval** Tierra Del Este Unit Sixty Seven Replat A on a Resubdivision Combination basis, subject to the following **condition and comments**:

- That the applicant fixes the building encroachment on the required side street yard setback (10') prior to plat recordation.

**PLANNING DIVISION:**

**Approval with condition.**

**EPWU:**

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

EPWU-PSB Comments

Water and sanitary sewer mains exist along Oldenberg Court and along the twenty (20) foot wide Right-of-Way (Alley) fronting the subject Property.

As per EPWU-PSB Records, no water or sanitary sewer mains exist within the ten (10) foot wide Utility Easement situated within the subject Property and immediately north of Oldenberg Court.

EPWU-PSB does not object to this request.

**Park and Recreation Department:**

We have reviewed **Tierra Del Este Sixty Seven Replat "A"**, a resubdivision combination plat map and offer Developer / Engineer the following comments:

Please note that this subdivision density is not being increased, as evidenced by the original subdivision and replat, therefore meeting the requirements to be excluded from the calculation for parkland dedication as per ordinance Title 19 – Subdivision & Development Plats, **Chapter 19.20 – Parks & Open Space** as noted below.

**Section 19.20.060 - Exclusions from dedication requirement.**

Exclusions. The following shall be excluded from the calculation for parkland dedication. In all instances, the **burden of proof shall be on the subdivider** to demonstrate that the plat meets the requirements of this chapter:

- A. A replat or an amendment to a subdivision plat where the only change to the original subdivision plat is that easements or rights-of-way are eliminated, added or changed and there is no increase in density.

Subdivision is located with-in Park Zone: **E-9**

Nearest Park: **Tierra Del Este #67-B**

**City Development Department – Land Development:**

We have reviewed subject plats and recommend **Approval**; no objections.

**Sun Metro:**

- Sun Metro does not oppose to this request.

**El Paso Electric Company:**

- El Paso Electric has no objections to the replat releasing the 10' easement along Oldenberg Court.

**Texas Gas Service:**

- Texas Gas Service has no main line facilities within the utility easement on the above-mentioned property and therefore offers no objection to the existing encroachment.

**Additional Requirements and General Comments:**

1. Submit to the City 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
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. Application

ATTACHMENT 1

TIERRA DEL ESTE UNIT  
SIXTY SEVEN REPLAT A







**ATTACHMENT 4**



**ATTACHMENT 5**



CITY PLAN COMMISSION APPLICATION FOR  
RESUBDIVISION COMBINATION SUBDIVISION APPROVAL

DATE: October 17, 2014

File No. SUSU/4-00103.

SUBDIVISION NAME: Tierra Del Este Unit 67 Replat "A"

1. Legal Description for the area included on this plat (Tract, Block, Grant, etc.)  
Being a Replat of Lot 2, Block 315 of Tierra Del Este Unit Sixty Seven, City of El Paso, El Paso County, Texas

2. Proposed Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	<u>0.1414</u>	<u>1</u>	Office	_____	_____
Duplex	_____	_____	Street & Alley	_____	_____
Apartment	_____	_____	Ponding & Drainage	_____	_____
Mobile Home	_____	_____	Institutional	_____	_____
P.U.D.	_____	_____	Other (specify below)	_____	_____
Park	_____	_____	_____	_____	_____
School	_____	_____	Total No. Sites	<u>1</u>	_____
Commercial	_____	_____	Total Acres (Gross) & Sites	<u>0.1414</u>	_____
Industrial	_____	_____			

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

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 Pond

7. Are special public improvements proposed in connection with the development? Yes \_\_\_\_\_ No X

8. Is a modification or exception of any portion of the Subdivision Ordinance proposed? Yes \_\_\_\_\_ No X  
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 X 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 X

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

- |     |                 |                         |                            |                |       |              |
|-----|-----------------|-------------------------|----------------------------|----------------|-------|--------------|
| 12. | Owner of record | Carefree Homes II, L.P. | 11427 Rojas                | El Paso, Texas | 79936 | 915-590-8511 |
|     |                 | (Name & Address)        |                            |                | (Zip) | (Phone)      |
| 13. | Developer       | Carefree Homes II, L.P. | 11427 Rojas                | El Paso, Texas | 79936 | 915-590-8511 |
|     |                 | (Name & Address)        |                            |                | (Zip) | (Phone)      |
| 14. | Engineer        | CONDE INC.              | 6080 Surety Dr., Suite 100 |                | 79905 | 915-592-0283 |
|     |                 | (Name & Address)        |                            |                | (Zip) | (Phone)      |

**Refer to Schedule C for current fee.**

Carefree Homes II, L.P.

OWNER SIGNATURE: 

REPRESENTATIVE:   
Conrad Conde

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

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