CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Planning and Economic Development Department**

AGENDA DATE: **Introduction: March 27, 2012**
Public Hearing: April 3, 2012

CONTACT PERSON/PHONE: **Kimberly Forsyth, (915) 541-4668**

DISTRICT(S) AFFECTED: **City-wide**

SUBJECT:

An Ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.050 (Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities) and Chapter 19.15 (Roadways), Section 19.15.050 (General Requirements) of the El Paso City Code to allow for the waiver of the dedication or improvements of adjacent substandard roads when specific criteria are met. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.

BACKGROUND / DISCUSSION:

Dedication and improvement of rights-of-way is required in accordance with Title 19 (Subdivisions). This amendment provides certain exceptions when dedication and improvement may be waived by the City Plan Commission, for properties that are not subject to a previously-approved development agreement, annexation agreement or land study. It will primarily be used to reduce regulatory barriers to infill development in older neighborhoods that are largely built out, and in the City's Extraterratorial Juristiction (ETJ) when City and County requirements conflict.

PRIOR COUNCIL ACTION:
N/A

AMOUNT AND SOURCE OF FUNDING:
N/A

BOARD / COMMISSION ACTION:
Development Coordinating Committee reviewed with no objections on Feb. 29, 2012
Scheduled for City Plan Commission review and recommendation on March 22, 2012

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Deputy Director-Planning and Economic Development

for Philip Etiwe

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE_____

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION), SECTION 19.10.050 (ROADWAY PARTICIPATION POLICIES-IMPROVEMENT OF ADJACENT PERIMETER ROADS AND UTILITIES) AND CHAPTER 19.15 (ROADWAYS), SECTION 19.15.050 (GENERAL REQUIREMENTS) OF THE EL PASO CITY CODE TO ALLOW FOR THE WAIVER OF THE DEDICATION OR IMPROVEMENTS OF ADJACENT SUBSTANDARD ROADS WHEN SPECIFIC CRITERIA ARE MET. THE PENALTY IS AS PROVIDED IN CHAPTER 19.42 OF THE CITY OF EL PASO CITY CODE.

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, Title 19 (Subdivisions) of the El Paso City Code (the "Code") was adopted to promote the health, safety, morals and general welfare of the community by guiding the future growth and development of the city in accordance with The Plan for El Paso and by encouraging the orderly and beneficial development of the city through appropriate growth management techniques and by establishing reasonable standards of design and procedures for subdivisions and resubdivision of land in order to further the orderly layout and use of land; and,

WHEREAS, City Council has determined that an amendment to Title 19 is necessary to provide a provision that will allow the review of certain factors when requiring the dedication or improvement of rights-of-way; and,

WHEREAS, the City Plan Commission (CPC) has reviewed and recommends the adoption of the amendment as herein enumerated; and,

WHEREAS, the El Paso City Council finds that the amendment proposed herein will further protect and provide for the public health, safety, morals and general welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 19, Subdivisions, Chapter 19.10, Dedication, Construction Requirements and City Participation, Section 19.10.050, Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities, Subparagraph A, Improvement of the Proportional Share of an Adjacent Substandard Road of the El Paso City Code is amended as follows:

19.10.050. Roadway participation policies-Improvement of adjacent (perimeter) roads and utilities.

A. Improvement of the Proportional Share of an Adjacent Substandard Road. When an area within a proposed plat, whether residential or nonresidential, abuts on one or both sides of an existing substandard road or utility facility, or a planned or future road, drainage or utility facility as shown on the city's thoroughfare plan and/or adopted plans related to water and wastewater, the

developer shall be required to improve the development's proportional share of the road (including appurtenant sidewalks, bikelanes, barrier-free ramps, storm drainage facilities, screening and landscaping, medians and landscaping, median openings, left turn lanes, and water quality or erosion controls), the traffic mitigation (including signalization, medians, access and deceleration lanes) and utility facilities, to bring the facilities to city standards, or to replace them with standard city road, traffic mitigation or utility facilities as determined by a traffic or other public facilities impact study. The study, if required, shall be at no cost to the city unless it is used to determine rough proportionality in accordance with this title, in which case the study will be provided by the city.

1. Unless the property is subject to a previously-approved development agreement, annexation agreement or land study, the City Plan Commission may waive such requirements to provide rights-of-way or street improvements to adjacent substandard roads based on any of the following factors:

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.

Section 2. That Title 19, Subdivisions, Chapter 19.15, Roadways, Section 19.15.050, General Requirements, Paragraph D (Street Right-of-Way Dedication) of the El Paso City Code is amended as follows:

19.15.050. General Requirements

D. Street Right-of-Way Dedication. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the thoroughfare plan and as required by the DSC or by other valid development plans approved by the city, subject to the rough proportionality provisions of this ordinance, and in accordance with Section 19.10.050.A.1.(a)(b)or (c). There shall be sufficient right-of-way such that sidewalks and related pedestrian activity is not impeded by the location of utilities, including solid waste pick-up, fire hydrants, and utility poles. If such right-of-way is not sufficient, then the developer and/or the respective utility shall be responsible for obtaining additional easements or right-of-way in accordance with Section 19.10.050.A.1.(a)(b)or (c).

Section 3. Except as herein amended, Title 19, Subdivisions, of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this _____of _____2012.

THE CITY OF EL PASO

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

_____
Mathew McElroy,
Deputy Director
Planning & Economic Development

APPROVED AS TO FORM:

_____
Lupe Cuellar
Assistant City Attorney

12-1007-271/DOC#101254/exception to road improvements/lcue

City of El Paso – City Plan Commission Staff Report

Amendment to Title 19
Roadway Participation Policies

The City Manager has directed staff in to implement application processing changes and code amendments that are intended to streamline and simplify the land development review process.

Planning and the City's Department of Transportation prepared this amendment to Title 19, which is related to requirements for dedication and improvement of rights-of-way. The amendment will allow City staff to consider, and the City Plan Commission to approve, waivers to the requirements when the following factors exist in a development that is not subject to a previously-approved development agreement, annexation agreement or land study:

- Fifty percent 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,
- The plat is located within the City's Extraterritorial Jurisdiction area, is not within the city's annexation path and written documentation from the County 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;
- For all plats located in the City's Extraterritorial Jurisdiction area, written concurrence from the County is required prior to the waiver of any dedication and/or improvements.