

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

DEPARTMENT: City Development Department

AGENDA DATE: Consent: 07/30/13

CONTACT PERSON/PHONE: Mathew McElroy, (915) 541-4193, mcelroyms@elpasotexas.gov

DISTRICT(S) AFFECTED: ETJ - Eastside

SUBJECT:

Approval of a Proportionality Appeal regarding traffic control measures and parkland dedication requirements for Tierra Del Este Phase V Land Study, submitted under Section 19.46 of the El Paso City Code.

BACKGROUND / DISCUSSION:

See attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) Tierra Del Este Phase V Land Study approval on March 21, 2013

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: Mathew S. McElroy
Director - City Development Department

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, on March 21, 2013, the City Planning Commission approved the Tierra Del Este Phase V Land Study; and

WHEREAS, the application was approved with conditions requiring that alternative traffic control measures, i.e., roundabouts be installed in lieu of four-way stops, and with a comment that this development is excluded from the calculation for parkland as per Title 19 Subdivision & Development Plats; and

WHEREAS, the applicant Ranchos Real Land Holdings, LLC has submitted a proportionality appeal for this approval under Section 19.46 of the El Paso Municipal Code; and

WHEREAS, the purpose of a proportionality appeal is to assure that the application of uniform dedication and construction standards to a proposed development project does not result in a disproportionate burden on the property owner, taking into consideration the nature and extend of the demands created by the proposed development on the city's public facilities systems.

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

That the relief requested by Ranchos Real Land Holdings, LLC is hereby granted and finds the following:

1. The Appellant is responsible for the proportionate share of the four-way stop and restriping at the intersections as set forth in the March 25, 2013, approval letter, attached as Exhibit A.
2. The Appellant has no duty to construct any parks or dedicate any parks to the City in connection with the Tierra Del Este Phase V Land Study.

ADOPTED THIS _____ DAY OF JULY, 2013.

THE CITY OF EL PASO

Oscar Leeser,
Mayor

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department

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March 25, 2013

Ranchos Real Land Holdings LLC
6080 Surety Drive STE 100
El Paso, TX 79905

Re: **SULD12-00001** – a Portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Co. Surveys, El Paso County, Texas

Dear Property Owners:

This is to inform you that the City Plan Commission at its regular meeting of March 21st 2013, voted to **approve** Tierra Del Este Phase V Land Study with a condition that alternative traffic control measures be installed in lieu of four-way stops at intersections identified by EPDOT, and subject to the following comments and conditions:

City Development - Land Development:

No objection

Parks and Recreation Department:

Please note that this land study is proposing to develop between 1700 and 2700 residential units, 18.17 acres of commercial property; a 35.00 acre "School site"; a 60' wide median linear "Park" and one "Park / Pond" for a total of 12.00 acres. Also, please note that this development is located with-in the City of El Paso east extra territorial jurisdiction (ETJ) areas but not within the areas of potential annexation by the City, thus being excluded from the calculation for parkland as per ordinance Title 19 – Subdivision & Development Plats, **Chapter 19.20 - Parks & Open Space** 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.

1. Parks Department recommends a median "Linear park" be provided along Charles Foster Ave., same as the one along Mike Price Dr.
2. Parks Department recommends for centrally located parks (minimum of one acre) be provided with-in the northeast, northwest and southwest quadrants.
3. Verify total park acreage (12.00) as noted on "Legend" – Per scale dimensions of proposed park sites, only 9.4 acres of parkland were able to be accounted for.
4. Applicant needs to provide covenants restricting the use to a Single-family dwelling unit per lot since subdivisions within the ETJ do not have a district designation.
5. Applicant needs to provide covenants restricting the use to general commercial only for all commercial areas (± 18.17 acres) since subdivisions within the ETJ do not have a district designation.

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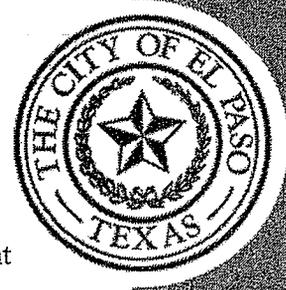
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6. Parks Department requests for all proposed "Parks" to be designed and constructed in accordance to the most current "Ordinance" and the most current "Parks Design and Construction Standards".

The following **informational comments** are offered to assist Applicant in the design of the new Park(s) construction drawings:

1. Refer to Park's Design & Construction Standards as approved by Mayor & Council on 06/03/2008
2. 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.
3. Coordinate project (s) 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 - PLD # (Registration Number) is provided.
4. No signs, fire hydrants, lights, NDCBU's, electrical/water boxes, telephone pedestals, no obstructions in general, be placed into proposed perimeter sidewalk, nor shall any utility conduits be placed along the park site.
5. Provide perimeter lighting along adjacent Public Street rights of way; Engineer to coordinate with E.P.E.Co.; Department of Transportation, and Parks Dept. light poles & 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.
6. 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 as required for proper planting as per Parks Design & Construction Standards.
7. 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 as required for proper planting.
8. Provide grading so that the park site does not sit lower than six inches (6") from any top of curb elevation, throughout. Any low spot must have at minimum a surface area of 30,000 square feet to insure that any storm water is dispersed over a large area. Any sloped areas shall be at the max. 1 vertical : 20 horizontal (5%) and shall insure that proposed grades will keep water away from hard surfaces.
9. Any sloped areas along park's frontages shall be at the max. 1 vertical : 20 horizontal (5%) and along residential or commercial areas at max. 1 vertical : 4 horizontal (25%) with a minimum 15 bench or as determined according to the park improvements review at adjacent properties.
10. Applicant / Contractor is required to obtain irrigation, building, electrical and any other required permit(s) from Development Services (BP&I) Building Permits & Inspections Division – If applicable.
11. A 7' wide concrete sidewalk is required all along the park's perimeter.
12. Provide an age appropriate play structure for each park site.

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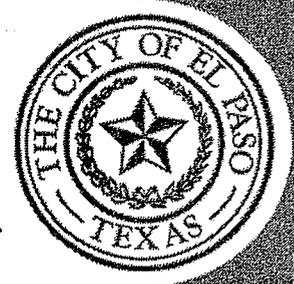
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13. Provide accessible picnic tables & benches for each park site on concrete pads.
14. Provide street trees within a 7' wide parkway.

Transportation Planning

No objection

El Paso Water Utilities:

EPWU-PSB supports and encourages voluntary annexation to the City of El Paso. Tierra Del Este Phase V Land Study area which is located within Section 48, Block 79, is located within the City of El Paso Eastside Impact Fee Service Area. Impact fees will be assessed at the time of the plat and collected by the El Paso Water Utilities after EPWU receives an application for water and sanitary sewer services. Add Impact fee rate table.

Water

Water storage improvements to the existing system are required to enable service to the subject property.

Along John Hayes Street between Edgemere Boulevard and Charles Foster Avenue there is an existing twenty-four (24) inch diameter water transmission main. No direct service connections are allowed to these water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Along John Hayes Street between Lookout Point Drive and Montwood Drive there is an existing twelve (12) inch diameter water main.

Along John Hayes Street between Charles Foster Avenue and Montwood Drive there is a proposed twenty-four (24) inch diameter water transmission main. No direct service connections are allowed to these water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Water service for the Tierra Del Este Phase V Land Study area is *anticipated* to be provided by a proposed elevated tank (reservoir) and the construction of the following mains:

A proposed twelve (12) inch diameter water main along Pebble Hills Boulevard between John Hayes Street and Tim Floyd Street.

A proposed sixteen (16) inch diameter water transmission main along Pebble Hills Boulevard between John Hayes Street and Tim Floyd Street. No direct service connections are allowed to these water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Sanitary Sewer

Along John Hayes Street between Edgemere Boulevard and Pebble Hills Boulevard there is an existing deep thirty-three (33) inch diameter sanitary sewer main. The size of this main south of Lookout Point Drive and Pebble Hills Boulevard increases to thirty-six (36) inches in diameter. No direct service connections are allowed to these sanitary sewer mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

From the intersection of John Hayes Street and Pebble Hills Boulevard along John Hayes Street towards the south there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 1, 115 feet south of Pebble Hills Boulevard.

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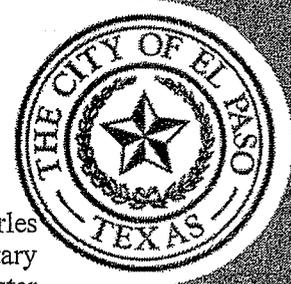
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From the intersection of Charles Foster Avenue and John Hayes Street along Charles Foster Avenue towards the north there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 500 feet north of Charles Foster Avenue.

Along John Hayes Street between Charles Foster Avenue and Early Morn Avenue there is an existing fifteen (15) inch diameter sanitary sewer main.

Along John Hayes Street between Early Morn Avenue and Montwood Drive there is an existing twelve (12) inch diameter sanitary sewer main.

Sanitary sewer service to the Tierra Del Este Phase V Land Study area is *anticipated* to be provided with the construction of the following mains:

A proposed fifteen (15) inch diameter sanitary sewer main along Pebble Hills Boulevard between John Hayes Street and Tim Floyd Street and connection to the sanitary sewer main that extends along John Hayes Street.

General

In addition to the above described water and sanitary sewer mains, service to the Tierra Del Este Phase V Land Study area is to be provided by on-site water distribution mains and sanitary sewer collection mains that are to connect to the above-described mains. The on-site water and sanitary sewer mains must be constructed by the Developer to provide service to the Tierra Del Este Phase V Land Study area.

Coordination with the Developer is required to ascertain that the water transmission mains, storage improvements, and sewer interceptors are constructed in parallel with development.

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.

EPWU Stormwater Division:

No comments received.

Central Appraisal District:

No comments received.

El Paso Department of Transportation:

1. Per the TIA, the developer is responsible for the proportionate share of traffic signals at the following intersections:

- | | Development proportionate share |
|---------------------------------|---------------------------------|
| • Edgemere at Tim Foster | 17.16% |
| • Ralph Seitsinger at Rich Beem | 15.62% |
| • Pebble Hills at Rich Beem | 25.68% |

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- Pebble Hills at John Hayes 37.47%
- Pebble Hills at Tim Foster 24.33%
- Charles Foster at Tim Foster 35.84%

2. The TIA shows mitigation and proportionate share of signal optimization for the intersection of Rich Beem at Zaragoza. Proposed signal timing to include the coordinated system (10 signals).

Development proportionate share

- Rich Beem at Zaragoza 8.06%

3. The TIA shows mitigation and proportionate share of improvements for a four-way stop and restriping at the following intersections:

Development proportionate share

- Edgemere at John Hayes 17.65%
- Ralph Seitsinger at John Hayes 16.09%
- Charles Foster at John Hayes 80.37%

Multiway stops are installed as an interim measure pending the installation of a traffic control signal. Multiway stops are not appropriate for long-term traffic control on major arterials due to the larger volumes of traffic and speeds typically seen on this class of roadway.

DOT recommends that alternative traffic control measures, i.e., roundabouts, be installed in lieu of a four-way stop.

El Paso Fire Department:

No comments received.

911:

No comments received.

El Paso Electric Company:

No comments received.

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) 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

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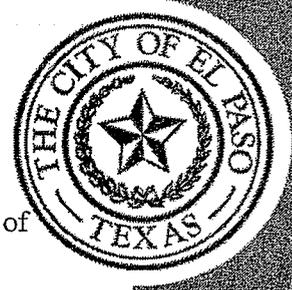
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cases, the type and location of delivery service shall be subject to the approval of the United States Postal Service.

If you have any questions, please call me at (915) 541-4192.

Respectfully,

Nathaniel Baker
Planner
Cc: Conde Inc.

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City Development Department - Planning

TO: Mayor and City Council
FROM: Mathew McElroy, City Development Director
DATE: July 25, 2013
RE: Tierra del Este Phase V Land Study - Proportionality Appeal

After review of the proportionality appeal submitted on behalf of Ranchos Real Land Holdings, LLC for the Tierra del Este Phase V Land Study, and the City Plan Commission hearing of March 21, 2013, staff recommends that the relief requested be granted.

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MOUNCE, GREEN, MYERS,
SAFI, PAXSON & GALATZAN
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
100 N. STANTON, SUITE 1000
EL PASO, TEXAS 79901-1448
(915) 532-2000

JOHN S. BIRKELBACH
Direct Dial (915) 541-1535

MAILING ADDRESS:
P. O. BOX 1977
EL PASO, TEXAS 79950-1977
FACSIMILE: (915) 541-1548
birk@mmsg.com

April 9, 2013

Ms. Joyce Wilson
City Manager
City of El Paso, Texas
300 N. Campbell Street
El Paso, Texas 79901

HAND DELIVERED
with RECEIPT

Mr. Carlos Gallinar
Comprehensive Plan Manager
City of El Paso, Texas
222 S. Campbell Street
El Paso, Texas 79901

HAND DELIVERED
with RECEIPT

Ms. Richarda Duffy Momsen
Municipal/City Clerk
City of El Paso, Texas
300 N. Campbell Street
El Paso, Texas 79901

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Ms. Sylvia Firth
City Attorney
City of El Paso, Texas
300 N. Campbell Street
El Paso, Texas 79901

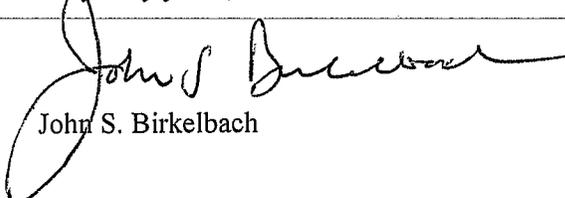
HAND DELIVERED
with RECEIPT

RE: Tierra Del Este Phase V Land Study (the "Property") – Proportionality Appeal

Dear Sir and Mesdames:

Enclosed herewith please find an appeal submitted on behalf of Ranchos Real Land Holdings, LLC submitted under Section 19.46 of the City Code.

Very truly yours,



John S. Birkelbach

JSB/th
Encl.

cc: Mr. Douglas A. Schwartz (via email)
Mr. Conrad Conde (via email)

**PROPORTIONALITY APPEAL
SECTION 19.46 MUNICIPAL CODE
CITY OF EL PASO, TEXAS**

Basis for Appeal: The City Plan Commission's ("CPC") imposition of park requirements and alternative traffic control measures in lieu of four-way stops at the following intersections: Edgemere at John Hays, Ralph Seitsinger at John Hays and Charles Foster at John Hays (collectively, the "Intersections")

Case No.: SULD 12-00001

Owner/Appellant: Ranchos Real Land Holdings, LLC
6080 Surety Drive, Suite 300
El Paso, Texas 79905

Property: A portion of Section 48, Block 79, Township 2, Texas and Pacific Railway Co. Surveys, El Paso County, Texas.

Representative District: ETJ

Acres: 475.4 acres, more or less

Present Zoning: ETJ

Present Land Use: Vacant

Required Study: Tierra Del Este – Phase V Traffic Impact Study prepared for Ranchos Real IV, Ltd. by Conde, Inc. dated August 15, 2012, revised February 6, 2013 ("TIA")

Appellant's Representative: John S. Birkelbach
Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.
100 N. Stanton, Suite 1000
El Paso, Texas 79901

Appellant hereby appeals the decision of the CPC on March 21, 2013 (a copy of which is attached hereto as Exhibit "A", hereinafter the "Approval Letter") approving the Tierra Del Este Phase V Land Study and requiring as conditions that (1) alternative traffic control measures be installed in lieu of four-way stops at the Intersections and (2) construction of all parks be in

accordance with all of the Parks and Recreation Department's comments and dedication requirements.

STATUTORY JURISDICTION

City Council is empowered to hear and decide this proportionality appeal under Section 19.46.4 of the Code and Section 212.904 of the Local Government Code.

STATUTORY STANDING

Appellant is the owner and developer of the Property. Appellant's standing is conferred pursuant to Tex. Local Government Code Ann. Section 212.904(a) and Section 19.46.3 of the Code.

SUMMARY OF ARGUMENT

1. The Appellant prepared and submitted its Application for Approval of a Land Study for Tierra Del Estate Phase V and in connection therewith, submitted the TIA.

2. The City Department of Transportation ("DOT") acknowledged that the TIA reflected mitigation and proportionate share of improvements for a four-way stop and restriping at the Intersections.

3. Notwithstanding the results of the TIA, the DOT recommended that alternative traffic control measures, *i.e.*, roundabouts be installed in lieu of the four-way stops.

4. The Property is located in the City's ETJ, but not within the area of potential annexation by the City, Appellant has no duty to construct any parks or following construction, dedicate any parks to the City.

5. The CPC's conditional approval of the Land Study, results in a disproportionate burden of costs being placed upon the Appellant in violation of Section 212.904 of the Local Government Code and Chapter 19 of the El Paso Municipal Code (the "Code") related to proportionality.

6. The City is required to reimburse Appellant for the aggregate sum of (a) the costs of constructing alternative traffic control measures at the Intersections in excess of the costs for constructing four-way stop signs at the Intersections and (b) the cost of constructing the proposed parks in accordance with the requirements of the Parks and Recreation Department as stated in the Approval Letter.

ARGUMENT

Local Government Code Section 212.904(a) requires the City to reimburse a developer a proportionate share of the costs of municipal infrastructure improvements:

If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

In this case, the CPC imposed requirements in excess of the Appellant's proportionate share with respect to the following:

1. Alternative Traffic Control Measures.

Appellant submitted a TIA as required by the Subdivision Ordinance of the City of El Paso. The DOT acknowledged that the results of the TIA do not justify the construction of improvements at the Intersections in excess of four-way stop signs. The CPC's decision to condition approval of the Land Study upon construction of alternative traffic control measures in lieu of four-way stops is a condition that exceeds Appellant's proportionate share. Accordingly, the City is obligated to pay all costs for the alternative traffic control measures at the Intersections in excess of the cost to construct four-way stop signs and restriping.

2. **Park Requirements.**

The Property is located within the City's ETJ, but is not located within the areas designated by the City as a future area for potential voluntary annexations. Pursuant to Section 19.11.040 of the Code, parks are not required in the Land Study area, nor are any parks constructed by Appellant required to meet the park requirements of the City contained within Chapter 19.20 of the Code. The CPC, however, conditioned approval of the Land Study upon compliance with the dedication requirements of Section 19.20.020. The requirements are in excess of Appellant's obligations for parks within the Property. Accordingly, the City is obligated to pay all costs for the construction of the parks.

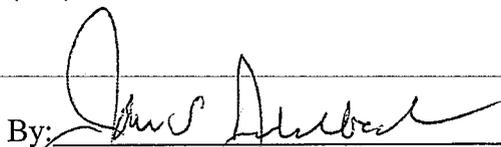
CONCLUSION

The two conditions established by the CPC for approval of the Land Study exceed the proportionality requirements for improvements to the proposed development. Appellant hereby requests that the approved Land Study expressly confirm the City's duty to pay its proportionate share of the excess costs for the construction of the alternative traffic control measures and the cost of parks meeting the City's park design guidelines.

Respectfully submitted,

**MOUNCE, GREEN, MYERS, SAFI
PAXSON & GALATZAN, P.C.**

100 N. Stanton, Ste 1700
El Paso, Texas 79901
(915) 532-2000
(915) 541-1526 FAX

By: 

John S. Birkelbach
State Bar No. 02338500

Attorneys for Appellant



City of El Paso – City Plan Commission Staff Report

SECOND REVISED

Case No: SULD12-00001 Tierra Del Este Phase V
Application Type: Land Study
CPC Hearing Date: March 21, 2013
Staff Planner: Nathaniel Baker, (915) 541-4192, bakernt@elpasotexas.gov
Location: East of John Hayes and South of Pebble Hills
Acreage: 611.4 acres (0.96 of a square mile)
Rep District: ETJ (adjacent to District 5)
Existing Use: Vacant
Existing Zoning: ETJ
Proposed Zoning: ETJ
Nearest Park: Linear Park on Mike Price Drive
Nearest School: Adjacent School on the SW corner of John Hayes and Pebble Hills
Park Fees Required: N/A
Impact Fee Area: Eastside Impact Fee Service Area
Property Owner: Ranchos Real Land Holdings, LLC
Applicant: Conde Ltd
Representative: Conde Inc.

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Vacant (Tierra Del Este III Land Study)
South: ETJ / Vacant
East: ETJ / Vacant
West: R-5 (Residential) / Residential Neighborhood (Tierra Del Este II Land Study)

PLAN EL PASO DESIGNATION: O-5 Remote – Remote land in the desert and mountains. City regulations and policy decisions should not encourage urban development until at least 2030.

APPLICATION DESCRIPTION

The applicant proposes a land study for 611.4 acres of land in the eastern ETJ. The land study is a predominantly single-use development of residential housing and proposes the following land uses:

Land Use	Area*	# Units (Residential)	Total Percentage
Residential	534.2	1,700 - 2,700	87%
Commercial	18.2		3%
Mixed Use	0		0%
Park	12		2%
Pond	12		2%
School	35		6%
Total	611.4		100%

*Includes street paving

Access is proposed via the following thoroughfares:

- Montwood Drive
- Pebble Hills Boulevard
- Rich Beem Drive
- John Hayes Boulevard

The applicant proposes two parks, including a 60' wide linear park within the median of Mike Price Drive. The school site is proposed to be for a combined elementary and middle school. Charles Foster Avenue, Pebble Hills Boulevard, Tim Floyd Street, and Montwood Drive are roads on the major thoroughfare plan within Tierra Del Este Phase V. This land study is being reviewed under the current subdivision code, however vesting has been granted for this development under the city's prior comprehensive plan.

DEVELOPMENT COORDINATING COMMITTEE

The Development Coordinating Committee recommends **approval** of the Tierra Del Este Phase V Land Study with a condition that alternative traffic control measures be installed in lieu of four-way stops at intersections identified by EPDOT, and subject to the following comments and conditions:

Planning Division Recommendation

Planning recommends **approval** with a condition that alternative traffic control measures be installed in lieu of four-way stops at intersections identified by EPDOT.

Block perimeter lengths shall not exceed 2400 feet in length per the current code.

City Development Department - Land Development

No objection

Planning – Transportation

No objection

Parks and Recreation Department

Please note that this land study is proposing to develop between 1700 and 2700 residential units, 18.17 acres of commercial property; a 35.00 acre "School site"; a 60' wide median linear "Park" and one "Park / Pond" for a total of 12.00 acres.

Also, please note that this development is located with-in the City of El Paso east extra territorial jurisdiction (ETJ) areas but not within the areas of potential annexation by the City, thus being

excluded from the calculation for parkland as per ordinance Title 19 – Subdivision & Development Plats, **Chapter 19.20 - Parks & Open Space** 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.

1. Parks Department recommends a median "Linear park" be provided along Charles Foster Ave., same as the one along Mike Price Dr.
2. Parks Department recommends for centrally located parks (minimum of one acre) be provided with-in the northeast, northwest and southwest quadrants.
3. Verify total park acreage (12.00) as noted on "Legend" – Per scale dimensions of proposed park sites, only 9.4 acres of parkland were able to be accounted for.
4. Applicant needs to provide covenants restricting the use to a Single-family dwelling unit per lot since subdivisions within the ETJ do not have a district designation.
5. Applicant needs to provide covenants restricting the use to general commercial only for all commercial areas (\pm 18.17 acres) since subdivisions within the ETJ do not have a district designation.
6. Parks Department requests for all proposed "Parks" to be designed and constructed in accordance to the most current "Ordinance" and the most current "Parks Design and Construction Standards".

The following **informational comments** are offered to assist Applicant in the design of the new Park(s) construction drawings:

1. Refer to Park's Design & Construction Standards as approved by Mayor & Council on 06/03/2008
2. 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.
3. Coordinate project (s) 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 - PLD # (Registration Number) is provided.
4. No signs, fire hydrants, lights, NDCBU's, electrical/water boxes, telephone pedestals, no obstructions in general, be placed into proposed perimeter sidewalk, nor shall any utility conduits be placed along the park site.
5. Provide perimeter lighting along adjacent Public Street rights of way; Engineer to coordinate with E.P.E.Co., Department of Transportation, and Parks Dept. light poles & 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.

6. 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 as required for proper planting as per Parks Design & Construction Standards.
7. 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 as required for proper planting.
8. Provide grading so that the park site does not sit lower than six inches (6") from any top of curb elevation, throughout. Any low spot must have at minimum a surface area of 30,000 square feet to insure that any storm water is dispersed over a large area. Any sloped areas shall be at the max. 1 vertical : 20 horizontal (5%) and shall insure that proposed grades will keep water away from hard surfaces.
9. Any sloped areas along park's frontages shall be at the max. 1 vertical : 20 horizontal (5%) and along residential or commercial areas at max. 1 vertical : 4 horizontal (25%) with a minimum 15 bench or as determined according to the park improvements review at adjacent properties.
10. Applicant / Contractor is required to obtain irrigation, building, electrical and any other required permit(s) from Development Services (BP&I) Building Permits & Inspections Division – If applicable.
11. A 7' wide concrete sidewalk is required all along the park's perimeter.
12. Provide an age appropriate play structure for each park site.
13. Provide accessible picnic tables & benches for each park site on concrete pads.
14. Provide street trees within a 7' wide parkway.

El Paso Water Utilities

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

Tierra Del Este Phase V Land Study area which is located within Section 48, Block 79, is located within the City of El Paso Eastside Impact Fee Service Area. Impact fees will be assessed at the time of the plat and collected by the El Paso Water Utilities after EPWU receives an application for water and sanitary sewer services. Add Impact fee rate table.

Water

Water storage improvements to the existing system are required to enable service to the subject property.

Along John Hayes Street between Edgemere Boulevard and Charles Foster Avenue there is an existing twenty-four (24) inch diameter water transmission main. No direct service connections are allowed to these water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Along John Hayes Street between Lookout Point Drive and Montwood Drive there is an existing twelve (12) inch diameter water main.

Along John Hayes Street between Charles Foster Avenue and Montwood Drive there is a proposed twenty-four (24) inch diameter water transmission main. No direct service connections are allowed to these water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Water service for the Tierra Del Este Phase V Land Study area is *anticipated* to be provided by a proposed elevated tank (reservoir) and the construction of the following mains:

A proposed twelve (12) inch diameter water main along Pebble Hills Boulevard between John Hayes Street and Tim Floyd Street.

A proposed sixteen (16) inch diameter water transmission main along Pebble Hills Boulevard between John Hayes Street and Tim Floyd Street. No direct service connections are allowed to these water mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

Sanitary Sewer

Along John Hayes Street between Edgemere Boulevard and Pebble Hills Boulevard there is an existing deep thirty-three (33) inch diameter sanitary sewer main. The size of this main south of Lookout Point Drive and Pebble Hills Boulevard increases to thirty-six (36) inches in diameter. No direct service connections are allowed to these sanitary sewer mains as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

From the intersection of John Hayes Street and Pebble Hills Boulevard along John Hayes Street towards the south there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 1, 115 feet south of Pebble Hills Boulevard.

From the intersection of Charles Foster Avenue and John Hayes Street along Charles Foster Avenue towards the north there is an existing eight (8) inch diameter sanitary sewer main. This main dead-ends at approximately 500 feet north of Charles Foster Avenue.

Along John Hayes Street between Charles Foster Avenue and Early Morn Avenue there is an existing fifteen (15) inch diameter sanitary sewer main.

Along John Hayes Street between Early Morn Avenue and Montwood Drive there is an existing twelve (12) inch diameter sanitary sewer main.

Sanitary sewer service to the Tierra Del Este Phase V Land Study area is *anticipated* to be provided with the construction of the following mains:

A proposed fifteen (15) inch diameter sanitary sewer main along Pebble Hills Boulevard between John Hayes Street and Tim Floyd Street and connection to the sanitary sewer main that extends along John Hayes Street.

General

In addition to the above described water and sanitary sewer mains, service to the Tierra Del Este Phase V Land Study area is to be provided by on-site water distribution mains and sanitary sewer collection mains that are to connect to the above-described mains. The on-site water and sanitary

sewer mains must be constructed by the Developer to provide service to the Tierra Del Este Phase V Land Study area.

Coordination with the Developer is required to ascertain that the water transmission mains, storage improvements, and sewer interceptors are constructed in parallel with development.

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.

DOT

1. Per the TIA, the developer is responsible for the proportionate share of traffic signals at the following intersections:

Development proportionate share

- Edgemere at Tim Foster 17.16%
- Ralph Seitsinger at Rich Beem 15.62%
- Pebble Hills at Rich Beem 25.68%
- Pebble Hills at John Hayes 37.47%
- Pebble Hills at Tim Foster 24.33%
- Charles Foster at Tim Foster 35.84%

2. The TIA shows mitigation and proportionate share of signal optimization for the intersection of Rich Beem at Zaragoza. Proposed signal timing to include the coordinated system (10 signals).

Development proportionate share

- Rich Beem at Zaragoza 8.06%

3. The TIA shows mitigation and proportionate share of improvements for a four-way stop and restriping at the following intersections:

Development proportionate share

- Edgemere at John Hayes 17.65%
- Ralph Seitsinger at John Hayes 16.09%
- Charles Foster at John Hayes 80.37%

Multiway stops are installed as an interim measure pending the installation of a traffic control signal. Multiway stops are not appropriate for long-term traffic control on major arterials due to the larger volumes of traffic and speeds typically seen on this class of roadway.

DOT recommends that alternative traffic control measures, i.e., roundabouts, be installed in lieu of a four-way stop.

~~The proportionate share of mitigation for the Tierra Del Este V land study TIA Table (6-2) shows traffic signalization is required at the following intersections at a cost of \$212,345 per intersection.~~

- ~~• Edgemere at Tim Foster (17.16%) = \$36,438.00~~
- ~~• Ralph Seitsinger at Rich Beem (15.62%) = \$33,168.00~~
- ~~• Pebble Hills at Rich Beem (25.68%) = \$54,531.00~~
- ~~• Pebble Hills at Tim Foster (24.33%) = \$56,446.00~~
- ~~• Pebble Hills at John Hayes (37.47%) = \$79,566.00~~
- ~~• Charles Foster at Tim Foster (35.84%) = \$76,104.00~~

~~The TIA also shows mitigation and proportionate share of improvements for a four-way stop and restriping at the following intersections. However, based on best practices, four-way stops are not recommended for arterial intersections. Alternative acceptable mitigation including a roundabout or a traffic signal would be required. Total cost per signal is \$212,345.~~

- ~~• Edgemere at John Hayes (17.65%) = \$37,479.00~~
- ~~• Ralph Seitsinger at John Hayes (16.09%) = \$34,166.00~~
- ~~• Charles Foster at John Hayes (80.37%) = \$170,662.00~~

~~The TIA also shows mitigation and proportionate share of improvements for signal optimization for the intersection of Rich Beem at Zaragoza. Proposed signal timing must include the entire coordinated system (10 signals) at a total cost of \$30,000.00~~

- ~~• Rich Beem at Zaragoza (8.06%) = \$2,418.00~~

EPWU Stormwater Division

No comments received.

Sun Metro

No comments received.

El Paso Fire Department

No comments received.

911

No comments received.

Central Appraisal District

No comments received.

El Paso Electric Company

No comments received.

Socorro Independent School District

No comments received.

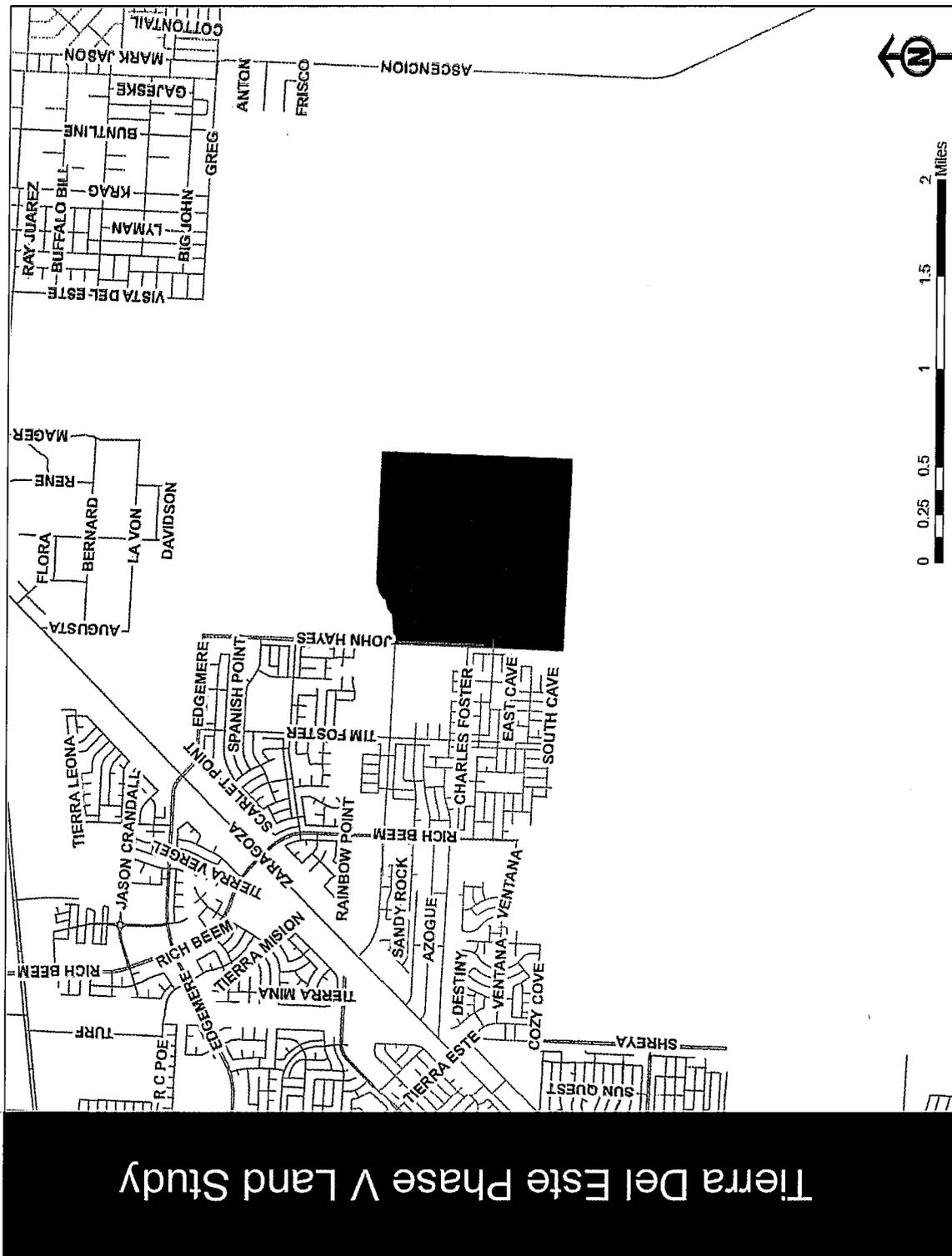
Additional Requirements and General Comments:

1. Submit to the City Development Department – Planning Division the following prior to recording of the subdivision.
 - a. 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

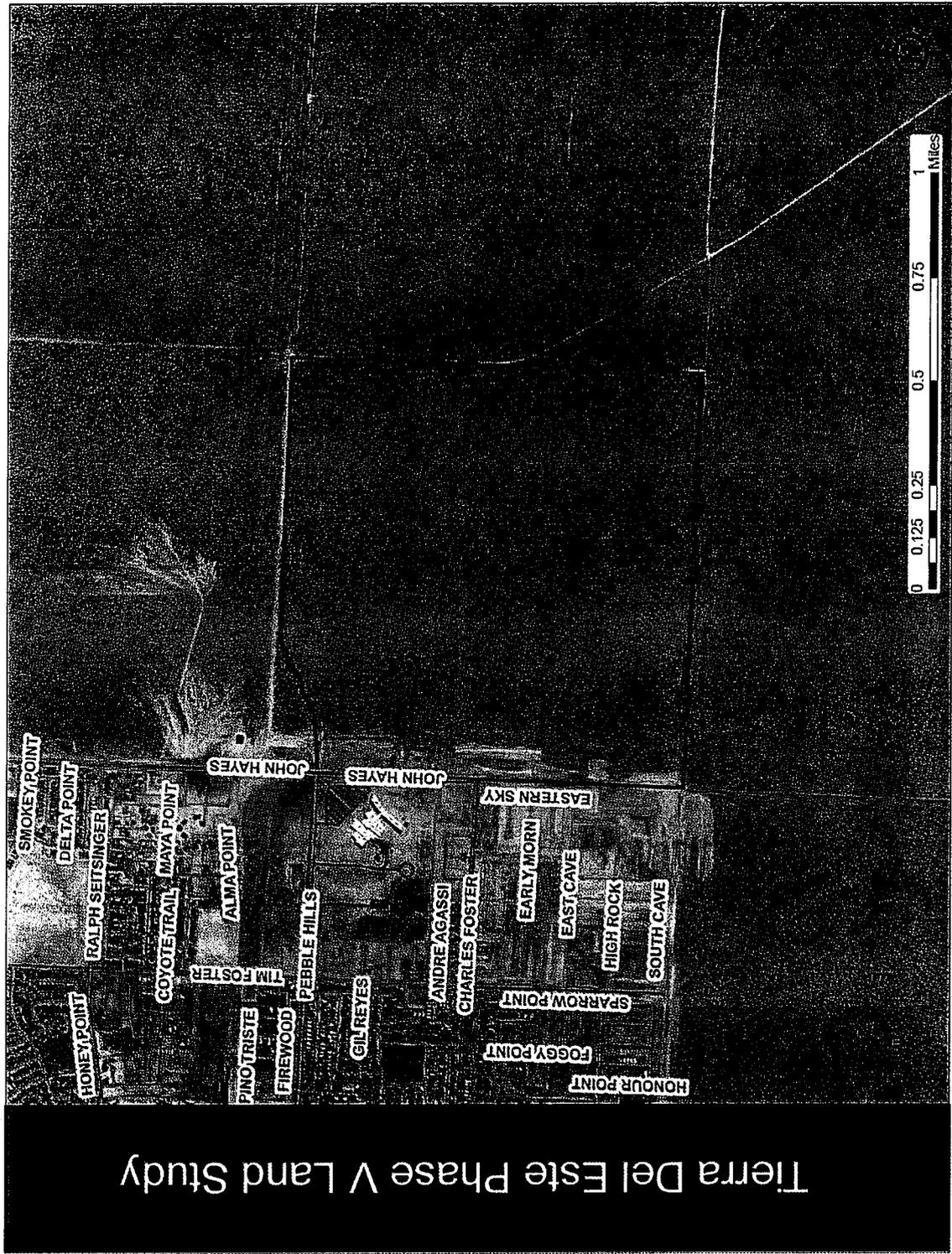
1. Location map
2. Aerial map
3. Land Study Map
4. Phasing Plan
5. Application

ATTACHMENT 1

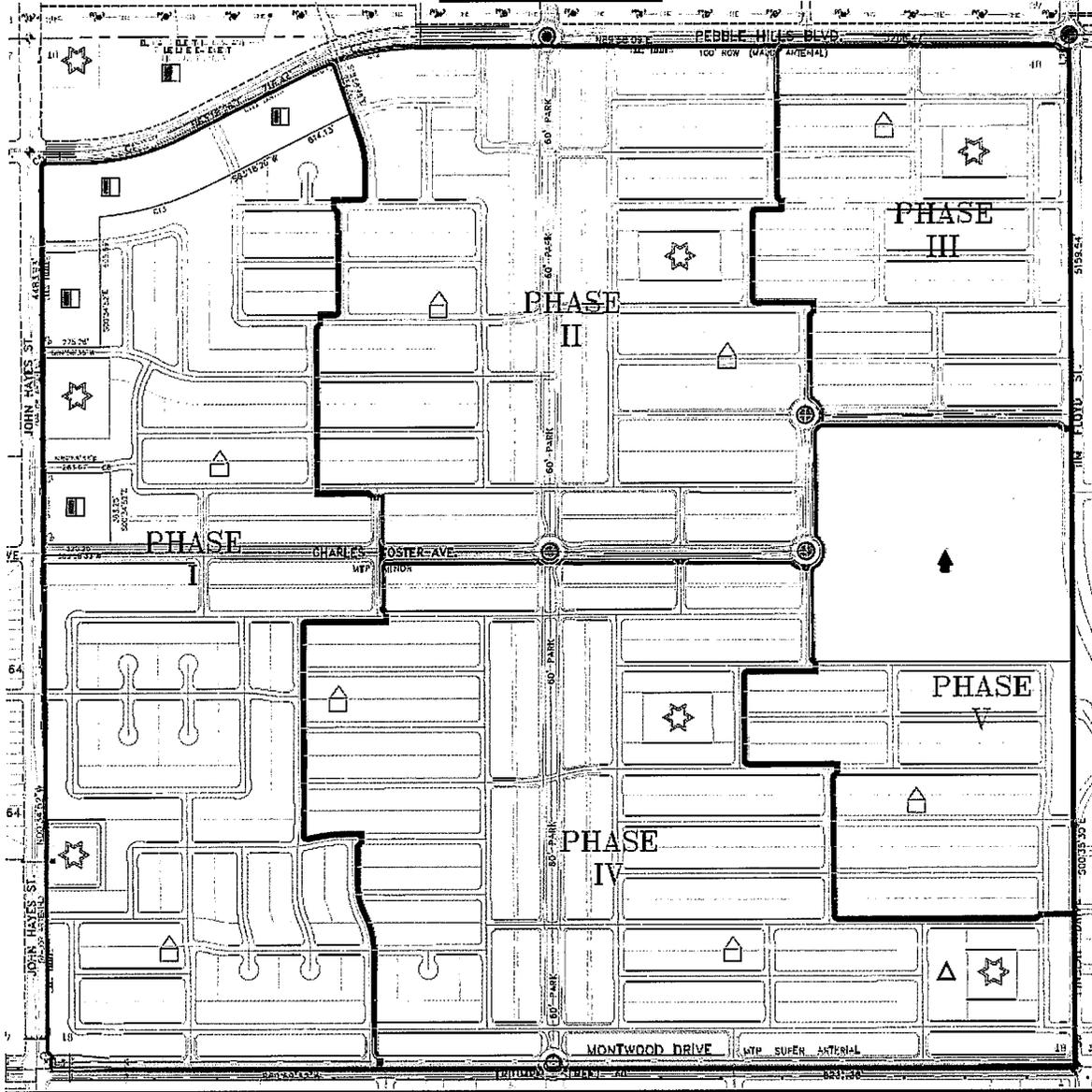


Tierra Del Este Phase V Land Study

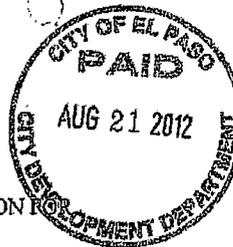
ATTACHMENT 2



ATTACHMENT 4



ATTACHMENT 5



CITY PLAN COMMISSION APPLICATION FOR
LAND STUDY APPROVAL

DATE: August 15, 2012

File No. SULD12-00001

SUBDIVISION NAME: Tierra Del Este Phase V Land Study

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 Co. Surveys, El Paso
County, Texas

2. Proposed Land Uses:

	ACRES	SITES		ACRES	SITES
Single-family	<u>410.2276</u>	<u>1,700-2,700</u>	Office		
Duplex			Street & Alley	<u>122.2774</u>	<u>1</u>
Apartment			Fonding & Drainage	<u>13.707</u>	<u>6</u>
Mobile Home			Institutional		
P.U.D.			Other (specify below)		
Park	<u>12.000</u>	<u>1</u>			
School	<u>35.000</u>	<u>1</u>			
Commercial	<u>18.175</u>	<u>2</u>	Total No. Sites		
Industrial			Total (Gross) Acres	<u>611.387</u>	

3. What is existing zoning of the above described property? n/a 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 No N/A

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 streets to Ponds

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 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

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

12. Owner of record Ranchos Real Land Holdings, LLC 6080 Surety Dr., Ste 300 79905 915-592-0290
 (Name & Address) (Zip) (Phone)

13. Developer Ranchos Real Land Holdings, LLC 6080 Surety Dr., Ste 300 79905 915-592-0290
 (Name & Address) (Zip) (Phone)

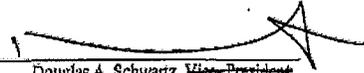
14. Engineer CONDE INC. 6080 Surety Dr., Ste. 100 79905 915-592-0283
 (Name & Address) (Zip) (Phone)

CASHIER'S VALIDATION FEE:
 0.0 to 300 acres \$4,456.00
 301 to 600 acres \$6,570.00
 601 to 900 acres \$8,409.00
 901+ acres \$11,001.00

APPLICATION MUST BE COMPLETED
 & VALIDATED PRIOR TO SUBDIVISION
 PROCESSING

Ranchos Real Land Holdings, LLC

OWNER SIGNATURE:


 Douglas A. Schwartz, Vice-President
 RRLH LLC

REPRESENTATIVE:



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