

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

DEPARTMENT: Development Services / Planning Division
AGENDA DATE: Introduction 12/11/07: Public Hearing 12/18/07
CONTACT PERSON/PHONE: Kelly Carpenter, Deputy Director, DSD-Planning Division
– 541-4193
DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance repealing Ordinance numbers 014836 and 15008 for the purpose of abolishing the Development Coordinating Committee and amending Title 19 (Subdivisions), of the El Paso City Code to delete all references to the Development Coordinating Committee and the Subdivision Coordinating Committee and to establish the Development Review Committee. The penalty is as provided in Chapter 19.04.090 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee: Approval Recommendation
City Plan Commission: Approval Recommendation

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

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: R. Alan Shubert

APPROVED FOR AGENDA:

AN ORDINANCE REPEALING ORDINANCE NUMBERS 014836 AND 15008 FOR THE PURPOSE OF ABOLISHING THE DEVELOPMENT COORDINATING COMMITTEE AND AMENDING TITLE 19 (SUBDIVISIONS), OF THE EL PASO CITY CODE TO DELETE ALL REFERENCES TO THE DEVELOPMENT COORDINATING COMMITTEE AND THE SUBDIVISION COORDINATING COMMITTEE AND TO ESTABLISH THE DEVELOPMENT REVIEW COMMITTEE. THE PENALTY IS AS PROVIDED IN CHAPTER 19.04.090 OF THE EL PASO CITY CODE

WHEREAS, on May 15, 2001, City Council adopted Ordinance 014836 creating the Development Coordinating Committee (“DCC”) as a technical advisory committee responsible for reviewing and overseeing the implementation of City platting, zoning and other construction regulations within the City’s corporate limits and extraterritorial jurisdiction,

WHEREAS, on January 3, 2002, Ordinance 014836 was amended by Ordinance Number 15008; and,

WHEREAS, the Subdivision Coordinating Committee (“SCC”), is a technical advisory committee to the Subdivision Coordinator, the Development Coordinating Committee and the City Plan Commission with regard to subdivision matters.

WHEREAS, on February 7, 2004, the Charter was amended to revise the City’s form of government from a strong mayor to city manager form, and,

WHEREAS, the City Manager desires to have better accountability of city staff and provide additional flexibility and quicker customer response and has determined that the establishment of an internal administrative policy for the purpose of reviewing and overseeing the implementation of City platting, zoning and other construction regulations within the City’s corporate limits and extraterritorial jurisdiction, will accomplish that goal;

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

Section 1. That Ordinance Numbers 014836 and 15008 are repealed in their entirety.

Section 2. That Title 19, (Subdivisions), of the El Paso City Code is amended as follows:

Section 2. A. Chapter 19.04 (General Provisions), Section 19.04.040 (Definitions), Subsection C (Terms) is amended as follows:

Amend the following term: “Subdivision coordinator” means the official designated by the director to administer the subdivision regulations, and who serves as a liaison between the subdivider, the Development Review Committee and the city plan commission.

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Delete the following terms:

“Development coordinating committee”

“Subdivision coordinating committee

Section 2.B. Chapter 19.04 (General Provisions), Section 19.04.120 (Advisory Agencies Designated) is amended as follows:

A. Development Review Committee. The Development Review Committee, technical review committee established by and responsible to the City Manager, comprised of representatives of city departments, as designated by the City Manager, and is responsible for the review and recommendations on all land development projects, public and private, except zoning.

B. El Paso Mountain Committee. The El Paso mountain committee is designated as an advisory committee to the city plan commission on matters related to the subdivision or resubdivision of land within the mountain development area. The committee shall review and make recommendations on applications for subdivision or resubdivision, vacation of public easements or rights-of-way, dedication of public easements or rights-of-way by metes and bounds, and land study disapproval's appealed to the city plan commission. In addition, the committee shall review and make recommendations on amendments to these regulations which pertain to or impact mountain development, and any other such subdivision matter which shall be forwarded by the city plan commission or the city council.

Section 2.C. Chapter 19.08 (Platting Procedures) Section 19.08.40 (Land Study), subparagraphs D, E and F are amended as follows:

D. General Procedure. Whenever a land study is required to be submitted by these regulations, city plan commission action shall be required within thirty days after submission of a completed land study application. The Development Review Committee shall submit its recommendation for approval, approval with modifications or disapproval of the land study application.

E. Distribution and Review. The staff shall review the land study for compliance with the standards for land studies in the City of El Paso Subdivision Regulations and submit written comments and recommendations on the land study application to the city plan commission and to the applicant prior to the city plan commission meeting.

F. City Plan Commission Action. The report of the written comments and recommendations of the staff shall be submitted to the city plan commission. The city plan commission shall review all reports and recommendations presented by consider them when approving, approving with modifications or disapproving the land study application. If the city plan commission fails to act on the land study application within the prescribed period as required in subsection 19.08.040(D), the land study application shall be deemed approved as submitted. Provided, however, that the subdivider may request a deferral of action of the land study application, thereby waiving the thirty day time period for action by the city plan commission.

Section 2D. Chapter 19.08 (Platting Procedures) Section 19.08.40 (Land Study), subparagraph H and I are amended as follows:

H. Validity. The approval of a land study shall automatically expire unless preliminary plat approval has been granted by the city plan commission for any phase of the development proposed within the approved land study within five years of the date of approval of such land study. The city plan commission may, upon a recommendation of the development review committee, grant two extensions to the approval period of a land study upon a written petition by the subdivider submitted within sixty days prior to the lapse of the approval. The request shall include a detailed explanation as to the reasons to extend the approval. Such petition shall be considered at a public meeting of the city plan commission. In determining whether to grant such request, the city plan commission shall take into account the reasons for lapse and the ability of the subdivider to comply with any conditions attached to the original approval. The city plan commission shall extend the approval of the land study, or deny the request, in which instance the subdivider must submit a new application for land study. An extension granted by the city plan commission for a land study approval shall be for a period of twenty-four months. The city plan commission may extend the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to assure compliance with the original conditions of approval.

I. Amendments to Land Study. At any time after approval of a land study and before submission of a final plat for any portion of the area contained within the approved land study, the subdivider may request that an amendment be made in the approval or approval with modifications of the land study. Eleven copies of the amended land study shall be submitted by the subdivider to the subdivision coordinator to establish an official record. The subdivision coordinator may deem an amendment to be minor and may authorize the amendment administratively. An amendment shall be considered minor if the subdivision coordinator determines that it does not significantly alter the arrangement of land use, increase density, relocate major circulation elements, decrease open space areas, or alter the concept of the development. An amendment not deemed minor by the subdivision coordinator shall be reviewed and either approved or disapproved by the city plan commission, following a recommendation of the staff pursuant. If a request for amendment to an approved land study occurs after submission of a final plat, the subdivider shall be required to file a new land study application for the entire area contained within the formerly approved land study.

Section 2.E. Chapter 19.08 (Platting Procedures) Section 19.08.050 (Minor Subdivision), subparagraphs E and F are amended as follows:

E. Distribution and Review. Written comments and recommendations on the minor subdivision application shall be submitted by the staff to the subdivision coordinator within one week following the date of distribution. The subdivision coordinator shall compile a report of the written comments received and supply a copy of this report to the subdivider, engineer and surveyor, and shall constitute the approval with modifications of the minor subdivision application by the subdivision coordinator. Any changes necessitated by the report of the subdivision coordinator to the minor subdivision application shall be made. Submission of a recording plat as provided in Section 19.08.100 shall incorporate and fully

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satisfy all modifications requested to the minor subdivision application by the subdivision coordinator.

F. City Plan Commission Action. Where a minor subdivision application is referred by the subdivision coordinator to the city plan commission for approval, the report of the written comments and recommendations of the staff shall be submitted to the city plan commission. The city plan commission shall review all reports and recommendations presented by the staff and shall approve, approve with modifications or disapprove the minor subdivision.

Section 2.F. Chapter 19.08 (Platting Procedures) Section 19.08.060 (Major Subdivision) subparagraph D(2) is amended as follows:

2. Final Plat Submittal.

a. Within six months following the date of preliminary plat approval by the city plan commission of a major subdivision application, the subdivider shall submit a final plat to the subdivision coordinator; provided, however, that a six-month extension to submit the final plat may be granted by the city plan commission in the event that a delay is caused by action of the city, a public utility, or other governmental entity. A request for extension shall be made in writing by the subdivider on or before the initial expiration, and shall include a detailed explanation as to the reasons which merit the granting of an extension. Subsequent extensions shall meet the same requirements as the initial six-month extension.

The final plat shall conform fully within the approved preliminary plat and all provisions of this title. Any amendments to the approved preliminary plat made by the subdivider which are deemed to be major modifications by the subdivision coordinator, shall necessitate a resubmittal of the preliminary plat. For purposes of this section, a major modification shall mean any change proposed by a subdivider which has the effect of changing either the lot configuration or size, the street layout or classification, the park size or location, the open space or common area location or size, or the location of easements or other proposed public improvements. In no instance shall a recommendation by the staff be made on a final plat submittal that would require a major redesign or any substantive addition from the approved preliminary plat. Failure to submit the final plat within the six month period, or within an approved six month extension period, shall require the total resubmission of the major subdivision application which shall be subject to the then existing subdivision regulations.

Section 2.J. Chapter 19.08 (Platting Procedures) Section 19.08.060 (Major Subdivision) subparagraph E and F are amended as follows:

E. Distribution and Review. The subdivision coordinator shall distribute prints of the major subdivision application to the staff. Written comments and recommendations on the major subdivision application shall be submitted by staff to the subdivision coordinator within two weeks from the date of distribution of a preliminary plat or combination plat, or within one week from the date of distribution of a final plat which received preliminary plat approval. All objections to the subdivision application shall be submitted in writing. Staff

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shall make a determination concerning whether the subdivision application complies generally with the intent of these regulations. The recommendation of the staff, accompanied with an explanation of their recommendation, shall be presented to the city plan commission. The subdivision coordinator shall compile a report of the written comments and supply a copy of this report to the City Plan Commission, subdivider, engineer and surveyor at least three working days prior to the commission hearing.

F. City Plan Commission Action. The report of the written comments and recommendations of the staff shall be submitted to the city plan commission. The city plan commission shall review all reports and shall approve, approve with modifications or disapprove the major subdivision application.

Section 2.K. That Title 19, (Subdivisions), Chapter 19.08 (Platting Procedures) Section 19.08.070 (Amending Subdivision), subparagraph E of the El Paso City Code is amended as follows:

E. Distribution and Review. The subdivision coordinator shall distribute prints of the amending subdivision application to the staff which shall make written comments and recommendations on the amending subdivision application to the subdivision coordinator within one week following the date of distribution. The subdivision coordinator shall compile a report of the written comments. The report shall be provided to the subdivider, engineer and surveyor and shall constitute the approval with modifications of the amending subdivision application by the subdivision coordinator. Any changes necessitated by the report of the subdivision coordinator to the amending subdivision application shall be made. Submission of a recording plat as provided in Section 19.08.100 shall incorporate and fully satisfy all modifications requested to the amending subdivision application by the subdivision coordinator.

Section 2.L. That Title 19, (Subdivisions), Chapter 19.12 (Parkland Dedication) Section 19.12.020 (Dedication Required), subparagraph B of the El Paso City Code is amended as follows:

B. A subdivision, not otherwise classified as a residential subdivision, shall be required to provide for the parkland needs of the subdivision as provided in Section 19.12.100 of this chapter. However, the city may grant an exception where a nonresidential subdivision contains an area of significant archeological, historical, ecological or geological importance as determined by a federal or state agency. In such cases, the city may accept a dedication of such area as a conservancy park in lieu of, or in addition to, the payment of park fees, depending on the valuation of the land to be dedicated. For purposes of this section, conservancy park means a park whose protection and management of natural/cultural environment is the primary objective with recreation use as a secondary objective. The dedication of such land must be recommended by the director of parks and recreation and the development review committee and approved by the city plan commission and city council. In determining the market value of the land to be dedicated, the city will obtain an appraisal. The cost of the appraisal will be reimbursed to the city by the applicant whether or not the exception is finally approved by the city. If the first appraisal obtained by the city is disputed

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by the applicant, the applicant shall obtain a second independent appraisal at the applicant's expense. The city must agree on the qualification of the second independent appraiser before the appraisal is requested by the applicant. If the city attorney determines that there is a substantial difference between the two appraisals, the city will contact a third independent appraiser to perform a review appraisal, the cost of which shall be paid by the applicant. The city council shall then make a final determination of market value which shall be binding on all parties.

The per acre fee proscribed by Section 19.12.100(A)(2) of this chapter will be used to determine the amount of fees required to be paid by the developer and in those cases where the land proposed to be dedicated is valued at less than what the developer would be required to pay under Section 19.12.100(A)(2) of this chapter, the developer will have to pay the remaining difference in park fees. Additionally, the developer must dedicate to the city enough land to provide legal public access to the proposed conservancy park. Any dedication of land provided for under this section shall require off-site dedication. The provisions of Section 19.12.050 of this chapter are not applicable to dedications made under this section. Where the land has been accepted by the city as a conservancy park pursuant to this section, and where the land was previously shown as a lot on a recorded subdivision and park fees were paid to the city, the city may refund the value of the land as determined by the appraisal, but in no case shall the refund exceed the total amount of the park fees paid.

Section 2.H Chapter 19.12 (Parkland Dedication) Section 19.12.080 (Off-site dedication of parkland), subparagraph D and E are amended as follows:

D. Distribution and Review. Upon receipt of an application for an off-site dedication of parkland, the subdivision coordinator shall distribute the application to the development review committee. Written comments and recommendations on the application shall be submitted by members of the development review committee to the subdivision coordinator within two weeks from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the subdivision coordinator, and may require that the affected member's late comments and recommendations be presented directly to the development review committee. Where the development review committee does not accept the late comments and recommendations, a presentation by the affected member shall also be made directly to the city plan commission.

The subdivision coordinator shall present the application for an offsite dedication of parkland to the development review committee who shall determine whether the application, subject to any written comments and recommendations, complies generally with the intent of these regulations. The recommendation of the development review committee, accompanied with an explanation of their recommendation, shall be presented to the city plan commission. The subdivision coordinator shall compile a report of the written comments received by the development review committee and the recommendations of the development review committee, which shall be submitted to the city plan commission. A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

E. City Plan Commission Action. The report of the written comments and

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recommendations of the development review committee and the development review committee shall be submitted to the city plan commission. The city plan commission shall review all reports and recommendations presented by the development review committee and the development review committee and shall recommend approval, approval with modifications or disapproval of the application.

When the city plan commission recommends approval or approval with modifications of the application for off-site dedication of parkland, the subdivision coordinator shall forward the information to the city attorney for preparation of the dedication instrument.

Section 2.I Chapter 19.20 (Mountain Development Area (MDA) Standards), Section 19.20.020 (Procedure and requirements), is amended as follows:

A filed subdivision application, or any portion thereof, for property within the mountain development area shall follow the general procedural requirements for plat review and approval as provided in Chapter 19.08 of this title, except that review and recommendation by the El Paso mountain committee shall be required. The subdivision coordinator shall forward a subdivision application within the mountain development area to the El Paso mountain committee following presentation to the development review committee. The subdivision coordinator shall make a report of the written comments and recommendations submitted by the development review committee to the El Paso mountain committee. The El Paso mountain committee shall review all reports and recommendations presented and shall recommend approval, approval with modifications, or disapproval of the subdivision application. The recommendations of the El Paso mountain committee shall be submitted in writing to the city plan commission, or subdivision coordinator where administrative approval is authorized, prior to any action on the subdivision application. In all instances, a subdivision application submitted for property within the mountain development area shall be completed within the time period specified in Section 19.04.130 of this title. (Ord. 13111 § 1 (part), 1997

Section 2.J Chapter 19.44(Vacation of Public Easements and Rights-of-Way), Section 19.44.030 (Procedure and Notice), subparagraph A is amended as follows:

A. Procedure. Upon acceptance of an application for vacation of a public easement or right-of-way, the subdivision coordinator shall distribute the application for public easement or right-of-way vacation to the development review committee. Written comments and recommendations for approval, approval with modifications or disapproval to the subdivision coordinator within two weeks from the date of distribution. The recommendation of the, staff accompanied with an explanation of their recommendation, shall be presented to the city plan commission.

Upon a favorable recommendation from the city plan commission on the application to vacate a public easement or right-of-way, the subdivision coordinator shall forward the information to the city attorney for preparation of the vacation ordinance. The subdivision coordinator shall forward the request to the city council for finalization.

Section 2.K Chapter 19.48 (Dedication of Public Easements and Rights-of-Way by Metes and Bounds) Section 19.48.030 (Application and Procedure), subparagraph A, B and C are amended as follows:

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A. General Provisions. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the subdivision coordinator shall distribute the application to the staff, which shall submit written comments within two weeks from the date of distribution and shall determine whether the application, subject to any written conditions and recommendations, complies generally with the intent of these regulations. The recommendation of the staff, accompanied with an explanation of their recommendation, shall be presented to the city plan commission. The property owner and surveyor shall be notified and given the comments at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

B. Distribution and Review. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the subdivision coordinator shall distribute the application to the staff. Written comments and recommendations on the application for metes and bounds dedication of a public easement or right-of-way shall be submitted by members of the staff to the subdivision coordinator within two weeks from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the subdivision coordinator, and may require that the affected member's late comments and recommendations be presented directly to the city plan commission.

The subdivision coordinator shall present the application for metes and bounds dedication of a public easement or right-of-way to the staff who shall determine whether the application, subject to any written comments and recommendations, complies generally with the intent of these regulations. The recommendation of the staff, accompanied with an explanation of their recommendation, shall be presented to the city plan commission.

The subdivision coordinator shall compile a report of the written comments received by the staff, which shall be submitted to the city plan commission. A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.

C. City Plan Commission Action. The city plan commission shall review all reports and recommendations presented by the staff and shall either grant an exception to the subdivision regulations of this title and recommend approval or approval with modifications of the metes and bounds dedication application, or shall deny the exception and recommend disapproval of the metes and bounds dedication application. An exception granted by the city plan commission shall be based on a finding that the metes and bounds dedication provides as well for the safe, orderly and healthful development of the community as if dedicated by a subdivision.

When the city plan commission grants an exception and recommends approval or approval with modifications of the metes and bounds dedication application, the subdivision coordinator shall forward the information to the city attorney for preparation of the dedication instrument. this report shall be provided to the property owners making the application at least three working days prior to the commission hearing.

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Section 3. This Ordinance shall become effective on February 1, 2008 and shall apply to all applications submitted on and after such date.

Section 4. Except as herein amended, Title 19 (Subdivisions) of the El Paso City Code shall remain in full force and effect.

APPROVED this _____ day of _____, 200__.

THE CITY OF EL PASO, TEXAS

John Cook
Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

per 

Kelly Carpenter
Deputy Director
DSD – Planning Division

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