CITY PLAN COMMISSION MEETING
2ND FLOOR CITY COUNCIL CHAMBERS
JANUARY 12, 2012
1:30 P.M.

MINUTES

The City Plan Commission met at the above place and date.

The meeting was called to order at 1:30 p.m. Commissioner Nance present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:
Commissioner De La Cruz
Commissioner Wright
Commissioner Borden
Commissioner Nance
Commissioner Vorba

COMMISSIONERS ABSENT:
Commissioner Carreto
Commissioner Brandrup
Commissioner Landeros

AGENDA

Commissioner Borden read the rules into the record. Philip Etiwe, Development Review Manager, read the revisions to the agenda into the record.

***ACTION:** Motion made by Commissioner Vorba, seconded by Commissioner Borden, and unanimously carried to **APPROVE** the agenda as amended.

AYES: Commissioner De La Cruz, Wright, Borden, and Vorba
ABSENT: Commissioner Carreto, Brandrup, and Landeros

Motion passed.

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I. CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Plan Commission on any items that are not on the City Plan Commission Agenda and that are within the jurisdiction of the City Plan Commission. No action shall be taken.

NO ACTION WAS TAKEN.

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II. CONSENT AGENDA

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE, AS REVISED,** all matters listed under the **CONSENT AGENDA AND REGULAR AGENDA - DISCUSSION AND ACTION,** unless otherwise noted. (Items approved, postponed, or deleted pursuant to the **CONSENT AGENDA AND REGULAR AGENDA - DISCUSSION AND ACTION** vote will be shown with an asterisk {*}.

EXTENSION REQUEST TO SUBMIT RECORDING MAPS:

1. **SUSU11-00135:** Canutillo Heights Unit Two - Being a replat of a portion of Canutillo Industrial Park, Being a portion of Lot 3, Block 6, Being a portion of Lots 3 and 6 and all of Lots 4 and 5, Block 7, Being a portion of Lots 3 and 6 and all of Lots 4 and 5, Block 8 and all of Lots 6 and 7 and a portion of Lots 4 and 5, Block 9 and a portion of Los Poblanos Drive Right-of-Way, a portion of Los Vecinos Drive Right-of-Way and a portion of Los Bordo Drive Right-of-Way and a portion of the Railroad right-of-Way within Block 7, 8 and 9, Canutillo Industrial Park, El Paso County, Texas

Location:	West of South Desert Boulevard and North of Los Mochis Drive
Property Owners:	Canutillo Heights Estates, L.P. and Rassette Capital LLC
Representative:	Roe Engineering, L.C.
District:	ETJ
Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU11-00135.**

Motion passed.

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MINOR - APPROVAL OF ESCROW DEPOSIT WITH THE CITY FOR THE FOLLOWING SUBDIVISION IN ACCORDANCE WITH 19.15.030.B OF THE SUBDIVISION CODE.

2. **SUSU11-00107:** Arbour Green Unit 3 - Being a portion of Tract 1H, Section 41, Block 79, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas

Location:	West of Joe Battle Boulevard and North of Edgemere Boulevard
Property Owner:	JNC Development, Inc.
Representative:	Conde, Inc.
District:	5
Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU11-00107.**

Motion passed.

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3. **SUSU11-00113:** Herrera Legacy Subdivision – Being a portion of Section 33, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas

Location:	East of Justice Drive and North of Montana Avenue
Property Owner:	Herrera Legacy Developments, LLC
Representative:	Quantum Engineering Consultants, Inc.
District:	5
Staff Contact:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU11-00113.**

Motion passed.

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III. REGULAR AGENDA - DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

MAJOR FINAL:

4.	**SUSU11-00136:**	Cimarron Sky Unit Two - Being a portion of Tracts 1 and 3A, Nellie D. Mundy Survey 242, and Tracts 1A, 1B4C and 1B5C and 1B5B2, S.J. Larkin Survey 266, City of El Paso, El Paso County, Texas
	Location:	South of Artcraft Road and West of Northern Pass Drive
	Property Owner:	Cimarron Hunt Communities, LLC
	Representative:	CSA Design Group
	District:	1
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

Sal Alonzo with CSA Design Group concurred with staff's comments.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU11-00136 WITH THE FOLLOWING CONDITIONS:**

- **THAT CIMARRON SAGE UNIT TWO BE RECORDED PRIOR TO OR CONCURRENTLY WITH THIS SUBDIVISION IN ORDER TO SATISFY THE PARKLAND DEDICATION REQUIREMENTS;**
- **THAT CIMARRON SAGE UNIT ONE BE RECORDED PRIOR TO OR CONCURRENTLY WITH THIS SUBDIVISION IN ORDER TO PROVIDE CONNECTIVITY TO CANYON WREN DRIVE AT ITS WESTERN END, AND**
- **THAT THE APPLICANT LANDSCAPE THE PARKWAY AT THE REAR OF THE DOUBLE FRONTAGE LOTS ABUTTING THE PROPOSED PASEO DEL NORTE BOULEVARD.**

Motion passed.

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PUBLIC HEARING Rezoning Applications:

5.	**PZRZ11-00047:**	Tract 17C63, Section 8, Block 79, Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
	Location:	Bob Hope Drive at Saint Romeo Avenue
	Zoning:	R-3 (Residential)
	Request:	From R-3 (Residential) to C-3 (Commercial)
	Existing Use:	Vacant
	Proposed Uses:	Additional parking area for automotive sales facility
	Property Owner:	Elizabeth G. Flores
	Representative:	Rey Engineering, Inc.
	District:	5
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **DELETE PZRZ11-00047.**

Motion passed.

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6.	**PZRZ11-00052:**	Lots 3 and 4, Block 9, Montecillo Unit Three Replat A, City of El Paso, El Paso County, Texas
	Location:	South of Castellano, north of Executive Center, east of Interstate 10, and west of Mesa
	Zoning:	C-2 (Commercial)
	Request:	From C-2 (Commercial) to SmartCode Zone (SCZ)
	Existing Use:	Vacant
	Proposed Use:	Senior Housing Facility
	Property Owner:	EPT Mesa Development, LP
	Representative:	Conde, Inc.
	District:	8
	Staff Contact:	Melissa Granado, (915)-541-4730, granadom@elpasotexas.gov

Conrad Conde with Conde, Inc., concurred with staff's comments.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Wright, and unanimously carried to **APPROVE PZRZ11-00052.**

Motion passed.

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7.	**PZRZ11-00057:**	Portion of Lots 3 through 15, Block 6, Stiles Garden, City of El Paso, El Paso County, Texas
	Location:	7204½, 7208, 7210, 7212, 7214, 7216, 7218, 7220, 7222, 7224, 7226, and 7228 North Loop Drive
	Zoning:	A-2 (Apartment)
	Request:	From A-2 (Apartment) to C-3 (Commercial)
	Existing Use:	Mobile Homes, vacant
	Proposed Uses:	Apartments, retail, office, dancehall
	Property Owner:	7 M Enterprises, LLC
	Representative:	Ray Mancera
	District:	3
	Staff Contact:	Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Esther Guerrero, Planner, noted that staff is recommending denial of a C-3 (Commercial). The proposed zoning is not compatible with surrounding residential uses and districts. Staff is recommending a C-1 (Commercial). She also noted that a C-1 would not permit a dance hall. A C-3 would permit a dance hall but a special permit would be required. She noted that staff received several calls from the neighbors and most of them were opposed to a dance hall.

Ray Mancera introduced Gerardo Martinez, son of the new property owner. Mr. Mancera noted that they met with the Stiles Neighborhood Association and had a good turnout. He said that the Stiles Neighborhood Association is against a dance hall and a bar but are in favor of a grocery store and a pharmacy or something that would benefit the community. He is requesting a C-3 zone and is aware that they need a special permit. They are willing to exclude the sale of used cars, a night club, a bar, or a cocktail lounge.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request.

The following persons spoke against the rezoning of a C-3.

- Aurelia Rogue noted that she is neither for or against this request but would prefer a grocery store or a drugstore. They need something that will benefit the community.
- Ms. Cadena reiterated Ms. Rogue's comments,
- Elva Villagran representing Raul Dominguez, President for Stiles Neighborhood Association noted that Mr. Dominguez is against a C-3 zone. The Stiles Neighborhood Association is against a dance hall, bars, or a cocktail lounge. They are requesting something that will benefit the community. Ms. Villagran has a petition with signatures of those neighbors that are against the whole project. She feels that after the meeting with Mr. Mancera and the Neighborhood Association there were still many issues that need to be addressed.
- Juana Rodriquez asked for someone to translate for her and Esther Guerrero assisted her with the translation. She wants the applicants to consider building a pharmacy or a grocery store. She thanked the Commission for listening to their concerns and asked that they consider not allowing apartments, bars, or a dance hall on this property.

Mr. Mancera responded to some of their concerns and noted that they are willing to accept a C-2 zone.

ACTION: Motion made by Commissioner Borden, seconded by Commissioner Vorba, and carried to **DENY A C-3 ZONE AND APPROVE A C-1 ZONE WITH THE EXCLUSION OF NIGHT CLUBS AND BARS.**

AYES: Commissioner Wright, Borden, and Vorba
NAYS: Commissioner De La Cruz

Motion passed.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Wright, and unanimously carried **THAT A MINORITY REPORT BE SENT TO CITY COUNCIL.**

Motion passed.

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PUBLIC HEARING Special Permit and Detailed Site Development Plan Review:

8.	**PZST11-00014:**	Lots 1-14, Block 423, Aspen Estates, City of El Paso, El Paso County, Texas
	Location:	11781 Pellicano Drive
	Zoning:	R-5/sp (Residential/special permit)
	Request:	Planned Residential Development to allow for reduced setbacks
	Existing Use:	Single-family home
	Proposed Use:	Single-family home
	Property Owner:	Cisco Homes LLC.
	Representative:	CEA GROUP, Jorge L. Azcarate
	District:	6
	Staff Contact:	Geena Maskey, (915)-541-4192, maskeyga@elpasotexas.gov

Jorge Azcarate with CEA Group concurred with staff's comments.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request.

Rafael Padilla with the El Paso Independent School District spoke in favor of this request.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Borden, and unanimously carried to **APPROVE PZST11-00014.**

Motion passed.

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Other Business:

9. Review the use of 0.9743 acres of Memorial Park for the purpose of expanding Crockett Elementary School.
   Staff Contact: Nanette Smejkal, Director of Parks and Recreation, (915) 541-4283, smejkalnl@elpasotexas.gov

Lisa Ramirez with the Parks and Recreation Department gave a brief presentation. She noted that Crockett Elementary School is encroaching unto the park and this has been in existence since the 1940's. This will serve as a clean-up.

Commissioner Nance asked if there was anyone in the public who wished to speak in favor or against this request. There was no response.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Borden, and unanimously carried to **APPROVE THE USE OF 0.9743 ACRES OF MEMORIAL PARK FOR THE PURPOSE OF EXPANDING CROCKETT ELEMENTARY SCHOOL.**

Motion passed.

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10. Discussion and action on a Resolution amending a previous adopted policy establishing criteria allowing the city to convey property to the abutting property owner owning the underlying fee simple for less than the fair market value and for city initiated vacation of such land.
    Staff Contact: Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

Raul Garcia, Senior Planner, gave a brief presentation and noted that the criteria has to be met in order for this policy to be applied. The City will apply this for any and all vacation applications that meet these criteria. A lot of these criteria that existed in the previous resolution is being kept with some additions.

This was prompted because of a situation on Tobin Street and Hardesty Street where the whole block is encroaching in an alley. That raised some issues for some residents and City Council directed staff to come up with some sort of process that would facilitate a vacation of right of ways in that particular type of situations.

The fair market value is based on comparables and also allows the City to convey the property to the abutting property owners for 10% of the fair market value. This is a percentage that staff came up with essentially giving the property owners a 90% discount and the City feels 10% is a good compromise.

Lupe Cuellar, Assistant City Attorney, explained the provision in the Local Government Code that allows cities to do this when it's right of ways.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE A RESOLUTION AMENDING A PREVIOUS ADOPTED**

POLICY ESTABLISHING CRITERIA ALLOWING THE CITY TO CONVEY PROPERTY TO THE ABUTTING PROPERTY OWNER OWNING THE UNDERLYING FEE SIMPLE FOR LESS THAN THE FAIR MARKET VALUE AND FOR CITY INITIATED VACATION OF SUCH LAND.

Motion passed.

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11. Comprehensive Plan Update.
Staff Contact: Carlos Gallinar (915) 541-4662, gallinarrc@elpasotexas.gov

Carlos Gallinar, Comprehensive Plan Manager, gave a brief update and noted that the process that the City has been engaged with for over two years is coming to an end. He distributed a full copy of the draft of the plan to the Commissioners. Staff's intent is to have the Commission review the plan in the next two weeks and come back for a formal presentation at the next City Plan Commission meeting scheduled for January 26, 2012. The Commission was encouraged to review it, make comments and forward their recommendations to City Council for adoption on February 21, 2012.

Mathew McElroy, Deputy Director for Planning, asked the Commission to pay special attention to the future land use plan.

NO ACTION WAS TAKEN.

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12. Planning Report:
N/A

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13. Legal Report:
N/A

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ADJOURNMENT:

Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to adjourn this meeting at 3:35 p.m.

Approved as to form:

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Mathew McElroy, Executive Secretary, City Plan Commission