



**CITY PLAN COMMISSION MEETING
1ST FLOOR CITY COUNCIL CHAMBERS
AUGUST 11, 2016
1:30P.M.**

MINUTES

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

The meeting was called to order at 1:32 p.m. Commissioner Madrid present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:

- Commissioner Desai
- Commissioner Brannon
- Commissioner Benitez
- Commissioner Madrid
- Commissioner Ardovino
- Commissioner Bustamante

COMMISSIONERS ABSENT:

- Commissioner Perez
- Commissioner Livingston

AGENDA

Commissioner Ardovino read the rules into the record. Kimberly Forsyth, Program Manager, read the revisions to the agenda into the record and noted that there are several revised staff reports.

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

AYES: Commissioner Desai, Brannon, Benitez, Madrid, Ardovino, and Bustamante

NAYS: N/A

ABSTAIN: N/A

ABSENT: Commissioner Perez, and Livingston

NOT PRESENT FOR THE VOTE: N/A

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

THERE WERE NO ITEMS UNDER THE CONSENT AGENDA.

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III. REGULAR AGENDA - DISCUSSION AND ACTION:

Subdivision Applications:

SUBDIVISION MAP APPROVAL:

Major Combination:

1. **SUSU16-00050:** West Towne Market Place – All of Tract 1B1, S.J. Larkin Survey 266, and a Portion of Tracts 60 and 61A and all of Tract 62A, W.H. Grenn Survey No. 241 City of El Paso, El Paso County, Texas
- Location: N of Helen of Troy and E of I-10
Existing Zoning: C-4/sc (Commercial/special contract)
Property Owner: River Oaks Properties, LTD
Representative: SLI Engineering, Inc.
District: 1
Staff Contact: Joaquin Rodriguez, (915) 212-1608, rodriguezjx3@elpasotexas.gov

***ACTION:** Motion made by Commissioner Ardivino, seconded by Commissioner Bustamante, and unanimously carried to **POSTPONE SUSU16-00050 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF AUGUST 25, 2016.**

Motion passed.

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2. **SUSU16-00052:** Davita - Alameda Subdivision – Tract 6A, Block 24, Ysleta Grant, according to special warranty deed recorded in Block 4801, Page 1144, Real property records, El Paso County, Texas, save and except that portion conveyed to the City of El Paso by deed recorded in Book 1751, Page 19, Real property records, El Paso County, Texas
- Location: North of Alameda and West of Carolina
Existing Zoning: C-4/sc (Commercial/special contract)
Property Owner: Belaucri Team, LLC
Representative: Precision Land Surveyors
District: 3
Staff Contact: Armida Martinez, (915) 212-1605, martinezar@elpasotexas.gov

Armida Martinez, Planner, gave a presentation and noted that the applicant is requesting to waive all street improvements since fifty per cent of the lots within a quarter mile of the proposed development have already been developed. Additionally, Alameda is under TXDOT jurisdiction and their approval would be needed to install any improvements. This subdivision is being reviewed under the current subdivision code. Staff recommends approval of the waiver request and approval of Davita-Alameda on a major combination basis.

Daniel Ibarra with Precision Land Surveyors concurred with staff's comments.

ACTION: Motion made by Commissioner Bustamante, seconded by Commissioner Brannon, and unanimously carried to **APPROVE SUSU16-00052.**

Motion passed.

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Resubdivision Final:

3. **SUSU16-00054:** Rocket Warehouse Park Unit 3 Replat A – A replat of a Portion of Lot 2, Block 1, Rocket Warehouse Park Unit 3, an addition to the City of El Paso, El Paso County, Texas
- Location: West of Dyer and South of Sean Haggerty
Existing Zoning: C-4 (Commercial)
Property Owner: Dyer Palms, LTD.
Representative: CEA Group
District: 4
Staff Contact: Armida Martinez, (915) 212-1605, martinezar@elpasotexas.gov

Armida Martinez, Planner, gave a presentation and noted that the proposed development is for one multi-family lot. Access to the subdivision is from Dyer Street and Ameen Drive. This subdivision is being reviewed under the current subdivision code. The applicant submitted an exception request to allow for a temporary dead-end street (Ameen Drive) to exceed the maximum allowed length of 300 feet for a cul-de-sac. The applicant does propose to construct a temporary turnaround at the end of Ameen Drive which is expected to extend into a future development. The exception request was approved with the preliminary plat on June 2, 2016. Staff recommends approval of the exception request and approval of Rocket Warehouse Park Unit 3 Raplat A on a resubdivision final.

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

ACTION: Motion made by Commissioner Brannon, seconded by Commissioner Ardivino, and unanimously carried to **APPROVE SUSU16-00054.**

Motion passed.

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PUBLIC HEARING Resubdivision Combination:

4. **SUSU16-00053:** Tim Floyd Subdivision – A portion of Sections 7, 18, & 19, Block 78; Sections 37 & 48, Block 79, Township 2, Texas and Pacific Railway Co. Surveys, City of El Paso, El Paso County, Texas
- Location: East of John Hayes and South of Edgemere
Existing Zoning: R-5 (Residential)
Property Owner: Ranchos Real XVI, LLC
Representative: Conde, Inc.
District: 5
Staff Contact: Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

Alfredo Austin, Planner, gave a presentation and noted that applicant proposes to resubdivide 19,797 acres of land for the extension of Tim Floyd. This extension will provide connectivity between Edgemere and Pebble Hills, and provide access to future developments. This subdivision lies within the Development Plan approved for Tierra Del Este III Phase V and is being reviewed under the current subdivision code. The 83 foot median pipeline easements limits what can be done on top of this median. As part of the agreement, it was agreed to have rock and chad as part of the median. Staff recommends approval of Tim Floyd on a Resubdivision Combination basis.

Kimberly Forsyth, Program Manager for Planning & Inspections, noted that the Electric Company and the Gas Company have very strict rules as to what is allowed on top of the easements. That was part of the development agreement.

Javier Acosta with Conde, Inc., concurred with staff's comments.

Commissioner Madrid 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 Bustamante, seconded by Commissioner Brannon, and carried to **APPROVE SUSU16-00053**.

AYES: Commissioner Desai, Brannon, Benitez, Madrid, and Bustamante

NAYS: Commissioner Ardovino

ABSTAIN: N/A

ABSENT: Commissioner Perez, and Livingston

NOT PRESENT FOR THE VOTE: N/A

Motion passed.

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PUBLIC HEARING Rezoning Applications:

5. **PZRZ16-00020:** Tract 10-B, Block 33, Ysleta Grant, City of El Paso, El Paso County, Texas
Location: 100 Cinecue Way
Existing Zoning: C-3 (Commercial)
Existing Use: Vacant
Request: From C-3 (Commercial) to S-D (Special Development)
Proposed Use: Single-family dwelling
Property Owner: Oracio Zamora
Representative: Oracio Zamora
District: 7
Staff Contact: Jeff Howell, (915) 212-1607, howelljb@elpasotexas.gov

Jeff Howell, Senior Planner, gave a presentation and noted that the applicant is requesting rezoning from C-3 (Commercial) to S-D (Special Development). The property is currently vacant and the proposed use is for a single-family dwelling. A single-family dwelling use is not a permitted use in C-3 (Commercial) district, however it is a permitted use in S-D (Special Development) zone district. The request for rezoning is solely to allow for the use as the applicant is not requesting any setback modifications. The applicant will submit a new application for detailed site development plan and a subdivision plat prior to any construction. Access to the property is proposed from Cinecue Way. Staff did not receive any communication in favor or opposition to this request. Staff did receive two phone calls inquiring about the rezoning request. Staff recommends approval of rezoning the subject property from C-3 (Commercial) to S-D (Special Development) with the following condition: *If commercial or apartment uses are proposed, a 10' landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to any residential or apartment use or zoning district. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*

Adrian Cervantes concurred with staff's comments.

Commissioner Madrid 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 Brannon, seconded by Commissioner Ardovino, and unanimously carried to **APPROVE PZRZ16-00020.**

Motion passed.

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6. **PZRZ16-00023:** Tracts 233 and 234, Maps of Sunrise Acres, City of El Paso, El Paso County, Texas
Location: 8725 South Gateway Boulevard
Existing Zoning: R-4 (Residential) and A-O/c (Apartment/Office/condition)
Existing Use: Vacant
Request: From R-4 (Residential) and A-O (Apartment/Office) to S-D (Special Development)
Proposed Use: Hotel
Property Owner: AKRH, LLC
Representative: SLI Engineering, Inc.
District: 2
Staff Contact: Andrew Salloum, (915) 212-1643, salloumam@elpasotexas.gov

PUBLIC HEARING Special Permit Application:

7. **PZST16-00018:** Tracts 233 and 234, Maps of Sunrise Acres, City of El Paso, El Paso County, Texas
Location: 8725 South Gateway Boulevard
Existing Zoning: R-4 (Residential) and A-O/c (Apartment/Office/condition)
Existing Use: Vacant
Request: Special Use Permit to allow for a hotel in S-D (Special Development) zone district
Proposed Use: Hotel
Property Owner: AKRH, LLC
Representative: SLI Engineering, Inc.
District: 2
Staff Contact: Andrew Salloum, (915) 212-1643, salloumam@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Ardovino, seconded by Commissioner Bustamante, and unanimously carried to **HEAR ITEMS 6 (PZRZ16-00023) AND ITEM 7 (PZST16-00018) TOGETHER.**

Motion passed.

Andrew Salloum, Planner, gave a presentation and noted that there is a revised staff report and also a revised site plan to include deceleration lane. The subject property on the agenda is for rezoning and special permit application which are related and will be heard together. The applicant is requesting to rezone the subject property from R-4 (Residential) and A-O (Apartment/Office) to S-D (Special Development) to allow for a hotel. A hotel use is not a permitted use in R-4 (Residential) district; it is a permitted use in S-D (Special Development) zone district with the approval of special permit (PZST16-00018) to include a detailed site development plan application. The request for rezoning is solely to allow for the hotel use as the applicant is not requesting any setback modifications. Parking exceeds the maximum, therefore additional trees shall be provided. The condition imposed on subject property requires a fifteen (15') foot wide landscaped buffer across the entire front of the property, which is shown on the detailed site development plan as required. The development does comply with the minimum landscaped area requirements. Access to the subject property is provided from South Gateway Boulevard and Neptune Drive. Staff received one phone call in opposition to the rezoning request and the

special permit. Staff recommends approval of rezoning the subject property from R-4 (Residential) and A/O/c (Apartment/Office/condition) to S-D (Special Development) with the condition: *A landscaped buffer with high-profile native trees of at least two-inch (2") caliper and ten (10') in height shall be placed at fifteen (15') on center along the property lines adjacent to the residential use or zone district. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*

Fernando Estrada with SLI Engineering concurred with staff's comments.

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

The following persons spoke regarding this request.

- Arturo De La Riva spoke in opposition to this request. He asked what kind of studies were done to ensure that this hotel will not turn into a low income housing and bring more crime to the area. He also expressed his concern about traffic increase and asked if a traffic study was done.
- Curtis Hammock spoke in favor of this project and feels it will improve the area.

Mr. Salloum stated that comments received from the Streets & Maintenance Department noted that a TIA was not required since the proposed development of 85 units will generate less than 100 trips.

Kimberly Forsyth noted that TXDot required some improvements and those are noted in the staff report.

Mr. Estrada presented his rebuttal and noted that this will be a Holiday Inn Express. The Holiday Inn Express Company made all the necessary studies in order to approve the site plan and have complied with all the city's requirements. He noted that they already designed the deceleration lane and included it in the revised site plan.

2ND MOTION:

ACTION: Motion made by Commissioner Ardivino, seconded by Commissioner Brannon, and unanimously carried to **APPROVE PZRZ16-00023 AND PZST16-00018.**

Motion passed.

Other Business:

8. Discussion and action on the City Plan Commission minutes for:
July 28, 2016

ACTION: Motion made by Commissioner Bustamante, seconded by Commissioner Ardivino, and unanimously carried to **APPROVE THE CITY PLAN COMMISSION MINUTES FOR JULY 28, 2016.**

Motion passed.

9. Discussion and action on concerning notice requirements for sales, storage and handling of alcoholic beverages.
Staff Contact: Kimberly Forsyth, (915) 212-1563, forsythkl@elpasotexas.gov

Kimberly Forsyth, Program Manager for Planning & Inspections, gave a presentation and noted that this item was requested by the Chair a couple of months ago and there is no proposed change. This is just a review of the current notice requirements that pertain to the sale, storage, and handling of alcoholic beverages. She noted that the TABC is very specific as to their notice requirements. The city code does not have requirements for public notice to be posted but we do have a section in our code that restricts the sale, storage, or handling of alcoholic beverages within 300 feet of a church, public or private school, private hospital, or day care unless that entity gives us written notice that they do not object. If the applicant does not obtain that written consent from one of those protected entities, they can request an exception from City Council to locate within 300 feet. If council determines that the prohibition is not necessary, they make findings that it's not in the best interest of the public, that it constitutes an efficient use of the land, that it's not an undue hardship, then council can approve the sale of alcoholic beverages within 300 feet of one of those protected entities. It is posted as a public hearing on the council agenda.

Commissioner Ardivino asked if the city or state regulates how many bars can be in a square block? He noted that maybe this could be a good time to regulate how many bars are in the area and suggested that an item concerning this matter be brought back to the commission on a later date.

Karla Nieman, Assistant City Attorney, noted that the state preempts the regulation of sale of alcohol. The only authority that the state has given counties and municipalities is to regulate the distance requirement from church, schools, day cares and hospitals. The city is allowed to prohibit the sale of alcohol in residential areas which is a provision of our charter.

NO ACTION WAS TAKEN.

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- 10. Planning Report:
 - a. Discussion and action on the Annual Report

Kimberly Forsyth, Program Manager, gave a presentation and noted that according to the by-laws every year the City Plan Commission makes a report to the City Council summarizing the activities and cases that came before the commission in the previous year. In January of this year, staff presented an annual report with the different cases and type of projects worked on by the planning staff during that year. Staff drafted a memo that will be sent to council summarizing the activities along with a copy of the annual report. She informed the commission that if they felt the memo needed changes they were welcome to do so, and if not, than staff will forward the memo to council for their information.

Commissioner Madrid 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 Ardivino, seconded by Commissioner Bustamante, and unanimously carried to **APPROVE THE ANNUAL REPORT AS PRESENTED.**

Motion passed.

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Commissioner Ardivino asked if staff could explore some options, ideas, or measures that can be taken to keep the heritage corridors from growing.

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ADJOURNMENT:

Motion made by Commissioner Ardivino, seconded by Commissioner Bustamante, and unanimously carried to adjourn this meeting at 2:30 p.m.

Approved as to form:

Carlos Gallinar, Executive Secretary, City Plan Commission

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