



**CITY PLAN COMMISSION MEETING
1ST FLOOR CITY COUNCIL CHAMBERS
AUGUST 28, 2014
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 Wright present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:

Commissioner Loweree
Commissioner Brannon
Commissioner Grambling
Commissioner Erickson
Commissioner Wright
Commissioner Amoriello
Commissioner Landeros
Commissioner Madrid

COMMISSIONERS ABSENT:

Commissioner Ardivino

AGENDA

Commissioner Wright welcomed newly appointed Commissioner Jose Landeros. Commissioner Amoriello read the rules into the record. David Coronado, City Development Program Manager, read the revisions to the agenda into the record.

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

AYES: Commissioner Loweree, Brannon, Grambling, Erickson, Wright, Amoriello, Landeros, and Madrid

ABSENT: Commissioner Ardivino

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:

Major Preliminary:

1. **SUSU14-00078:** Morning Side at Mission Ridge Unit 1 - A portion of Section No. 20, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas
- Location: East of Darrington and North of Paseo Del Este
Property Owner: Texas General Land Office
Representative: TRE & Associates
District: ETJ
Staff Contact: Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

Alfredo Austin, Planner, gave a presentation and noted that the applicant proposes to subdivide 47,840 acres of vacant land for 229 single-family residential lots and a park. Access to the subdivision is being proposed from Darrington Road. The subdivision is vested and is being reviewed under the former subdivision code. Staff recommends approval of the modification request and approval of Morningside at Mission Ridge Unit 1 on a Major Preliminary basis, subject to conditions stated on the staff report.

Sergio Delgado with TRE & Associates concurred with staff's comments.

ACTION: Motion made by Commissioner Madrid, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE SUSU14-00078.**

Motion passed.

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Major Combination:

2. **SUSU14-00059:** St. Matthew Estates – Tracts 13, 14-A, 14-B, 14-B-2 and 15-B, Block 2, Upper Valley Surveys, City of El Paso, El Paso County, Texas
- Location: West of Doniphan and South of Sunset
Property Owner: St. Matthew Parish
Representative: GA Architecture
District: 8
Staff Contact: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov

Nelson Ortiz, Planner, gave a presentation and noted that the applicant proposes to subdivide approximately 15.6 acres for on an existing church lot. Access to the subdivision is proposed from Sunset Road and River Bend Drive. Currently, River Bend exceeds right-of-way requirements and the city has a hike/bike project proposed along the Montoya drain on the opposite side of this development. The applicant is requesting to waive the requirement of additional pavement and the bike/hike trail on both streets and additional right-of-way dedication and partial sidewalk along Sunset Road. This project is vested under the current subdivision ordinance but is vested under the former landscape ordinance. Staff recommends approval of the waiver for additional pavement and hike/bike only and approval of St. Matthew Estates on a Major Combination basis with conditions noted on the staff report.

Cruz Monroy, with GA Architecture, concurred with staff's comments but are requesting a waiver of the sidewalk.

ACTION: Motion made by Commissioner Madrid, seconded by Commissioner Brannon, and carried to **APPROVE SUSU14-00059.**

AYES: Commissioner Loweree, Brannon, Wright, Amoriello, Landeros, and Madrid

NAYS: Commissioner Grambling, and Erickson

ABSENT: Commissioner Ardivino

Motion passed. (6 to 2 vote.)

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- 3. **SUSU14-00076:** Emory Acres – Tract 2G, Block 2, Upper Valley Surveys, City of El Paso, El Paso County, Texas
 - Location: South of Sunset and East of Emory Road
 - Property Owner: Ronald V. Carpenter
 - Representative: Kistenmacher Engineering Co.
 - District: 8
 - Staff Contact: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov

David Coronado, City Development Program Manager, noted that the representative had requested that the commission proceed with the request although he was not present but he did state that he did concur with all of staff's comments.

Nelson Ortiz, gave a presentation and noted that there is a revised staff report for this request. The applicant proposes to subdivide approximately 2.7 acres of land for two single-family residential lots. The largest lot is 1.661 acres and the smallest is 1.093 acres in size. Access to the subdivision is proposed from Emory Road. Emory is designated as a local residential street and requires 52' of right-of-way. The proposed cross-section shows Emory to have 40' of right-of-way with 20' of pavement and 10' parkways. The applicant did submit a waiver for roadway improvements. However, the applicant is dedicating 6' of additional right-of-way. The subdivision was reviewed under the current subdivision code.

ACTION: Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE SUSU14-00076.**

Motion passed.

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PUBLIC HEARING Resubdivision Combination:

- 4. **SUSU14-00023:** Kern View Estates Unit Two Replat A – All of Kern View Estates Unit Two, City of El Paso, El Paso County, Texas
 - Location: East of Stanton and North of San Mateo
 - Property Owner: Piedmont Group, LLC
 - Representative: Brock & Bustillos, Inc.
 - District: 1
 - Staff Contact: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **POSTPONE SUSU14-00023 UNTIL THE CITY PLAN COMMISSION MEETING OF NOVEMBER 6, 2014.**

Motion passed.

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5. **SUSU14-00071:** Clardy Fox Unit III Replat Two - All of Lot 13, Block 22, Clardy Fox Subdivision Unit III, City of El Paso, El Paso County, Texas
 Location: South of Alameda and West of Buena Vista
 Property Owner: Justo Gonzalez
 Representative: Dorado Engineering
 District: 3
 Staff Contact: Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **DELETE SUSU14-00071.**

Motion passed.

6. **SUSU14-00074:** Vista Del Prado #3 Replat A – All of Lots 21, 22 and 23, Block 11, Vista Del Prado Unit Three, City of El Paso, El Paso County, Texas
 Location: South of Americas and West of Alameda
 Property Owners: Juana Contreras, Anabel Salazar and Francisco and Luz Arrieta
 Representative: CAD Consulting Company
 District: 6
 Staff Contact: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **DELETE SUSU14-00074.**

Motion passed.

PUBLIC HEARING Rezoning Applications:

7. **PZRZ14-00020:** Lots 18, 19, and 20, Block 6, Womble Addition, City of El Paso, El Paso County, Texas
 Location: 6292 Trowbridge Drive
 Zoning: R-5 (Residential)
 Request: From R-5 (Residential) to S-D (Special Development)
 Existing Use: Vacant Public Health Clinic
 Proposed Use: Commercial and Office
 Property Owner: City of El Paso
 Representative: Memo Sotomayor
 District: 3
 Staff Contact: Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

Art Rubio, Senior Planner, gave a presentation and noted that there is a revised staff report for this item. He noted that this item had been previously heard by the City Plan Commission but had been postponed for 30 days at the request of the San Juan Neighborhood Association. The applicant is requesting to rezone the subject property from R-5 (Residential) to S-D (Special Development) to allow for commercial and office uses. The R-5 (Residential) zone district does not permit commercial or office use. The 0.47 acre property was previously used as a public health clinic and is now a vacant 1 story, 1,704.26 square foot building and shows 23 available parking spaces and existing landscaping. Staff did not receive any adverse comments from any of the reviewing departments. The only opposition received was from the San Juan Neighborhood Association at the time of the hearing, but since then staff has not received any letters or phone calls from the public. Access to the subject property is proposed from Trowbridge Drive.

Jose Carlos Villalba, Land and Contract Administrator, with the City of El Paso concurred with all of staff comments.

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

The following people spoke.

- Carol Trujillo spoke in opposition to items 7 and 10 because she feels it will depreciate the quality of life and requested that the commission reconsider postponing item 10 until September 28, 2014, to allow the San Juan Neighborhood Association to be present because they will not be able to attend the September 11, 2014, meeting.
- Fred Borrego, President for the San Juan Neighborhood Association, thanked the commission for postponing this item at a previous City Plan Commission meeting to clarify the boundaries of the neighborhood association. He noted that everyone in the association is opposed to the rezoning at this site. He requested that this item be postponed for one month for staff to discuss special covenants with the association. When the city declared this surplus, the neighborhood was not notified because of the misunderstanding of the boundaries for the neighborhood.
- Carlos Torres spoke in opposition to this request.
- Gloria Borrego spoke in opposition to this rezoning request and expressed concern about her property being rezoned to commercial.

Carlos Gallinar, Deputy Director for Planning, noted that staff's preference would be for the commission to take action now. Since there is more than a month before today and the day it goes to council, the Neighborhood Association will have plenty of time to reach out to the City Council Representative and attend the city council meeting to readdress some of their concerns.

1ST ACTION:

Motion made by Commissioner Loweree, seconded by Commissioner Brannon, and carried to **DENY PZRZ14-00020.**

AYES: Commissioner Loweree, Brannon, Amoriello, and Madrid

NAYS: Commissioner Grambling, Erickson, Wright, and Landeros

ABSENT: Commissioner Ardovino

Motion failed to **DENY. (4 to 4 vote)**

2ND ACTION:

Motion made by Commissioner Landeros, seconded by Commissioner Madrid, to **RECONSIDER THE VOTE.**

Motion passed.

3RD ACTION:

Motion made by Commissioner Landeros, seconded by Commissioner Erickson, and unanimously carried to **APPROVE PZRZ14-00020 WITH THE FOLLOWING CONDITIONS:**

- 1. THAT THE DETAILED SITE PLAN COME BACK TO CITY PLAN COMMISSION AND TO CITY COUNCIL, AND**
- 2. THAT A BAR, NIGHT CLUB, OR PACKAGED LIQUOR STORE NOT BE ALLOWED IN THE REZONING.**

Motion passed.

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8. **PZRZ14-00021:** Lots 25 and 26, Block 17, Franklin Heights, City of El Paso, El Paso County, Texas
 Location: 1217 Magoffin Avenue
 Zoning: R-MU/sp (Residential Mixed-Use/Special permit)
 Request: From R-MU/sp (Residential Mixed-Use/Special permit) to G-MU (General Mixed-Use)
 Existing Use: Vacant
 Proposed Use: Apartments & Commercial
 Property Owner: Federico Villalobos
 Representative: Eugenio Mesta
 District: 8
 Staff Contact: Michael McElroy, (915) 212-1612, mcelroymx@elpasotexas.gov

Michael McElroy, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant is requesting to rezone the subject property from R-MU (Residential Mixed-Use/Special permit) to G-MU (General Mixed-Use) to provide flexibility in the zoning district. The applicant has received approval from the El Paso Department of Transportation for a smaller than standard commercial driveway and parking aisle. The development requires a total of 30 parking spaces, 14 on-site parking spaces are provided at the ground floor level to include 1 ADA accessible space, for this reason the applicant is requesting a 54% parking reduction. As the property is less than the required 3 acres for a G-MU district, City Council will be asked to approve a reduction in minimum district area as part of the rezoning request. Staff recommends approval of rezoning the subject property from R-MU/sp (Residential Mixed-Use/special permit) to G-MU (General Mixed-Use) and the related Master Zoning Plan. The approval recommendation is based on the compatibility with existing commercial and apartment zoning in the area and the Future Land Use Map.

Eugenio Mesta, representing the owner, concurred with staff's recommendations and noted that the driveway in the front will be a two-way driveway as approved by the Transportation Department.

Commissioner Wright 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 Amoriello, and unanimously carried to **APPROVE PZRZ14-00021.**

Motion passed.

9. **PZRZ14-00024:** Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, A portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
 Location: 1614 Jose Bombach
 Zoning: R-3A/c/sp (Commercial/condition/special permit)
 Request: From R-3A/c/sp (Residential /condition/special permit) to C-1 (Commercial) (Related to PZCR14-00005)
 Existing Use: Vacant
 Proposed Use: Shopping center
 Property Owner: Tepabe Properties, LLC
 Representative: Georges Halloul
 District: 6
 Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 9 (PZRZ14-00024) AND 21 (PZCR14-00005) TOGETHER.**

Motion passed.

Michael McElroy, Planner, gave a presentation and noted that the applicant is requesting a rezoning from R-3A/c/sp (Residential/condition/special permit) to C-1 (Commercial) to clean-up the existing split zoning. The property is currently vacant and is 0.5722 acres in size. Access is proposed from Vista Del Sol with additional egress-only on Jose Bombach. Staff did not receive any adverse comments from any of the reviewing departments but did receive one letter in opposition to both the rezoning and the condition release requests. Staff is recommending approval of rezoning the subject property from R-3A/c/sp (Residential) to C-1 (Commercial). The majority of the lot is already zoned C-1 (Commercial) and the rezoning will clear up the present split-zoning and enable the lot to be developed to its full potential.

Georges Halloul with SLI, representing the owner, concurred with staff's comments and asked if he could count the 10' landscape buffer as part of the landscape requirement since the shape of that site is so awkward and will not be able to fit all that landscaping in the back.

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

2ND MOTION:

ACTION: Motion made by Commissioner Amoriello, seconded by Commissioner Erickson, and unanimously carried to **APPROVE PZRZ14-00024 AND PZCR14-00005.**

Motion passed.

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- 10. **PZRZ14-00026:** Lots 25 through 28, Block 22, Second Addition to Womble Addition, City of El Paso, El Paso County, Texas
 - Location: 332 N. Clark Drive
 - Zoning: A-O (Apartment-Office)
 - Request: From A-O (Apartment-Office) to C-2 (Commercial) (Related to PZST14-00023)
 - Existing Use: Vacant
 - Proposed Use: Contractor's Yard
 - Property Owner: EB Silva Management, LLC
 - Representative: Conde, Inc.
 - District: 3
 - Staff Contact: Michael McElroy, (915) 212-1612, mcelroymx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **POSTPONE PZRZ14-00026 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF SEPTEMBER 11, 2014.**

Motion passed.

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- 11. **PZRZ14-00027:** A portion of Lot 27, Block 123, Chaparral Park Subdivision Unit 33, City of El Paso, El Paso County, Texas
 - Location: 820 Redd Road
 - Zoning: A-O/c (Apartment/Office/condition)
 - Request: From A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition)

Existing Use: Daycare
Proposed Use: Retail
Property Owner: George M. Dipp, Jr.
Representative: Bearing Development, LLC
District: 1
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 11 (PZRZ14-00027) AND 18 (PZDS14-00027) TOGETHER.**

Motion passed.

Andrew Salloum, Planner, gave a presentation and noted that the applicant is requesting to rezone the subject property from A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition) to allow for retail uses. Retail uses are not permitted in A-O (Apartment/Office) zone district. The conceptual plan shows three new retail buildings. Access to the subject property is proposed from Redd Road. The applicant is also requesting for a Detailed Site Development Plan. The development requires a minimum of 70 parking spaces and the applicant is providing 81 parking spaces and 9 bicycle spaces. This application is related to detailed site development Plan application PZDS14-00027. Staff recommends approval of rezoning the subject property from A-O/c (Apartment/Office/condition) to C-1/c (Commercial/condition) and approval of the detailed site development plan request as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan, and complies with the Plan El Paso land use designation G-4, Suburban – walkable in the Northwest Planning Area. Staff did not receive any phone calls or letters in support or opposition to the rezoning request nor any adverse comments from the reviewing departments.

T.J. Karam, representing the owner, concurred with staff's comments.

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

2ND MOTION:

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Madrid, and unanimously carried to **APPROVE PZRZ14-00027 AND PZDS14-00027.**

Motion passed.

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12. **PZRZ14-00028:** A portion of Tract 17B, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Location: 8941 Dyer Street
Zoning: A-2 (Apartment)
Request: From A-2 (Apartment) to C-3 (Commercial)
Existing Use: Parking lot
Proposed Use: Retail
Property Owner: EP Simana, L.P.
Representative: Charlie Gomez
District: 2
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Andrew Salloum, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant is requesting to rezone the subject property from A-2 (Apartment) to C-3 (Commercial) to allow an existing parking lot to support an existing retail building. Currently, there is C-3 (Commercial) zoned property to the east of the subject property that the applicant owns. By rezoning the split zoned property, it will be cleaned up and the two properties under the same ownership can be combined and constructed upon as one contiguous development. Access to the subject property is proposed from Dyer Street and Marks Street. Staff recommends approval of rezoning the subject property from A-2 (Apartment) to C-3 (Commercial). The recommendation is based on the compatibility with surrounding land use and the existing C-3 (Commercial) zoned properties to the north, south, and east of the subject property and compliance with the Plan El Paso land use designation G-2, Transitional Neighborhood (Walkable) in the Northeast Planning Area. Staff received one phone call of inquiry. Staff did not receive any adverse comments from any of the reviewing departments.

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

Commissioner Wright 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 Madrid, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE PZRZ14-00028.**

Motion passed.

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13. **PZRZ14-00029:** Parcel 1: Portion of Lots 12 to 19, Block 9, Sunset Terrace Unit Four, an addition to the City of El Paso, El Paso County, Texas, and a portion of Lot 11, Block 9, Sunset Terrace Unit Four Replat "A", an addition to the City of El Paso, El Paso County, Texas
Parcel 2: Portion of Lot 10, Block 9, Sunset Terrace Unit Four Replat "A", an addition to the City of El Paso, El Paso County, Texas
- Location: West of Desert Boulevard and South of Bells Corners Avenue
- Zoning: Parcel 1: C-4/sc (Commercial/special contract)
Parcel 2: C-4/sc (Commercial/special contract)
- Request: Parcel 1: From C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract)
Parcel 2: From C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract)
- Existing Use: Parcel 1: Vacant
Parcel 2: Vacant
- Proposed Use: Residential Development
- Property Owner: Carefree Homes II, L.P.
- Representative: CEA Group
- District: 1
- Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

Michael McElroy, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant is requesting a rezoning from C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract) to clean-up nine split-zoned lots. The properties are currently vacant and are 0.64 acres in size. The subject property was not included in rezoning Ordinance No. 16260. To develop the property for residential purposes as proposed the subject property needs to be rezoned to R-3A/sc (Residential/special contract). Staff recommends approval of rezoning the subject property from C-4/sc (Commercial/special contract) to R-3A/sc (Residential/special contract). Staff did not receive any communication in support or opposition to this rezoning request.

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

Commissioner Wright 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 Madrid, seconded by Commissioner Landeros, and unanimously carried to **APPROVE PZRZ14-00029.**

Motion passed.

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- 14. **PZRZ14-00030:** The Southerly 140 feet of Blocks 201 and 202 and the vacated alley and street between Campbell Addition, City of El Paso, El Paso County, Texas
 - Location: 216 S. Ochoa Street and 811 – 813 E. First Avenue
 - Zoning: M-1 (Manufacturing) & M-1/sp (Manufacturing/special permit)
 - Request: From M-1 (Manufacturing) & M-1/sp (Manufacturing/Special permit) to C-5 (Central Business District)
 - Existing Use: Office-Warehouse
 - Proposed Use: Commercial and Office
 - Property Owner: BLK Investments 2 Family Limited Partnership
 - Representative: Ray Mancera
 - District: 8
 - Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

Michael McElroy, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant is requesting a rezoning from M-1 (Manufacturing) and M-1/sp (Manufacturing/special permit) to C-4 (Commercial) to allow for a variety of commercial, warehouse, and office uses. Access to the subject property is from First Avenue, as well as from Ochoa, Virginia, and Saint Vrain Street. Staff recommends approval of rezoning the subject property from M-1 (Manufacturing) and M-1/sp (Manufacturing/special permit) to C-4 (Commercial). Staff did not receive any communication in support or opposition to this request. Reviewing departments did not register any opposition to the request either.

Ray Mancera, representing the applicant, concurred with all of staff's comments.

Commissioner Wright 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 Amoriello, and unanimously carried to **APPROVE PZRZ14-00030.**

Motion passed.

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- 15. **PZRZ14-00032:** A portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, City of El Paso, El Paso County, Texas
 - Location: 6966 Market Avenue
 - Zoning: M-1/sc (Light Manufacturing/special contract)
 - Request: From M-1/sc (Light Manufacturing/special contract) to M-2 (Manufacturing)
 - Existing Use: Office warehouse
 - Proposed Use: Salvage yard
 - Property Owner: HW McKinney Jr. Wrecking Inc.

Representative: Cesar Molina
District: 3
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 15 (PZRZ14-0032) AND 22 (PZCR14-00006) TOGETHER.**

Motion passed.

Andrew Salloum, Planner, gave a presentation and noted that there is a revised staff report for item 15. The applicant is requesting to rezone the subject property from M-1/sc (Manufacturing/special contract) to M-2 (Manufacturing) in order to allow for a salvage yard. Salvage yard uses are not permitted in a M-1 (Light Manufacturing) zone district. The detailed site development plan is a rezoning application requirement for properties with existing structures for land use compatibility analysis and is not subject to CPC review and approval as per Section 20.04.380 Application Requirement. Access to the subject property is provided from Market Avenue. This application is related to zoning condition release application PZCR14-00006. The applicant is requesting to release all conditions imposed on the property by special contract, dated October 23, 1956. The conditions imposed by the rezoning special contract are either current code requirements, are no longer applicable, or have been satisfied. The proposed use shall comply with the all El Paso City Code requirement prior to the issuance of a certificate of occupancy. Staff recommends approval of rezoning the subject property from M-1/sc (Manufacturing/special contract) to M-2 (Manufacturing) with a condition stated in the staff report. The recommendation is based on compatibility with the surrounding properties zoned M-1 (Light Manufacturing) directly adjacent to the subject property, and in compliance with the Plan El Paso land use designation G-7 Industrial and/or Railyards in the Mission Valley Planning Area. Staff also recommends approval of the release of conditions as the conditions are not needed, or no longer necessary, or have been satisfied. Staff did not receive any comments in support or opposition to this request or any adverse comments from the reviewing departments.

Cesar Molina, representing the owner, concurred with staff's comments. He clarified that the use of the property is a building material sales area where you can purchase new building materials and recycle building materials.

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

2ND MOTION:

ACTION: Motion made by Commissioner Amoriello, seconded by Commissioner Erickson, and unanimously carried to **APPROVE PZRZ14-00032 AND PZCR14-00006.**

Motion passed.

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16. **PZRZ14-00034:** The east 10 feet of Lot 5, all of Lots 6, 7, 8, 9, and the west 8 feet of Lot 10, Block 108, Supplemental Map No. 1, East El Paso, City of El Paso, El Paso County, Texas
- Location: 3411-3417 Montana Avenue
Zoning: R-5 (Residential)
Request: From R-5 (Residential) to S-D (Special Development)
Existing Use: Single-family Dwellings
Proposed Use: Professional Office/Lawyer/CPA
Property Owners: Hector M. Ruiz and Sharon Vaughn
Representative: Roe Engineering, L.C.
District: 2
Staff Contact: Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 16 (PZRZ14-00034) AND 17 (PZDS14-00025) TOGETHER.**

Motion passed.

PUBLIC HEARING Detailed Site Development Plan Applications:

17. **PZDS14-00025:** The east 10 feet of Lot 5, all of Lots 6, 7, 8, 9, and the west 8 feet of Lot 10, Block 108, Supplemental Map No. 1, East El Paso, City of El Paso, El Paso County, Texas
- Location: 3411-3417 Montana Avenue
Zoning: R-5 (Residential)
Request: Detailed Site Plan Review per S-D Zone District and side setback reduction
Existing Use: Single-family Dwellings
Proposed Use: Professional Office/Lawyer/CPA
Property Owners: Hector M. Ruiz and Sharon Vaughn
Representative: Roe Engineering, L.C.
District: 2
Staff Contact: Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 16 (PZRZ14-00034) AND 17 (PZDS14-00025) TOGETHER.**

Motion passed.

Art Rubio, Senior Planner, gave a presentation and noted that the applicant is requesting to rezone the subject property from R-5 (Residential) to S-D (Special Development) to allow for professional office use to include lawyer and CPA offices. The R-5 (Residential) zone district does not permit commercial or office use. There is sufficient parking and bicycle parking to serve the property and there is existing landscaping within the property. Section 20.10.360, Mixed-Use Development, required the submittal and review of a detailed site development plan in the S-D (Special Development) zone district, which the applicant satisfies through the submittal of the related detailed site development plan application PZDS14-00025. The applicant is also requesting a Detailed Site Development Plan Review. The development requires a minimum of 7 parking spaces and 3 bicycle parking spaces. The applicant is providing 12 parking spaces to the rear of the property and 3 bicycle parking spaces fronting Montana Avenue. There are no additional landscape requirements for existing structures, and the site has 3,321 square feet of landscaping. The proposed development complies with all other requirements of Section 20.04.150, Detailed Site Development Plan. Access is proposed from the existing 20 foot alley. The applicant is aware that access to the existing alley is subject to compliance with development standards and if the is not up to standards it shall be the responsibility of the property owner to bring it up to standards. The applicant is aware that the alley must be improved to City standards when used as the main form of access. Staff recommends approval of rezoning the subject property from R-5 (Residential) to S-D (Special Development) and approval of the Detailed Site Plan as it complies with all the requirements of Section 20.04.150, Detailed Site Development Plan. The recommendation is based on the compatibility to existing residential and commercial uses and zone districts adjacent to the subject property. The S-D (Special Development) district complies with Plan El Paso Land Use Map Designation G-2 Traditional Neighborhood (Walkable) in the Central Planning Area. Staff did not receive any adverse comments from any of the reviewing departments or any comments in support or opposition to this request.

Isaac Rodriguez with Roe Engineering concurred with staff's comments.

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

2ND MOTION:

ACTION: Motion made by Commissioner Erickson, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE PZRZ14-00034 AND PZDS14-00025.**

Motion passed.

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18. **PZDS14-00027:** A portion of Lot 27, Block 123, Chaparral Park Unit 33, City of El Paso, El Paso County, Texas
Location: 820 Redd Road
Zoning: A-O/c (Apartment/Office/condition) and C-1/c (Commercial/conditions)
Request: Detailed Site Plan Review per Ordinance No. 010264 dated October 23, 1990 and Ordinance No. 017250 dated December 15, 2009
Existing Use: Daycare
Proposed Use: Retail
Property Owner: George M. Dipp Jr.
Representative: Bearing Development, LLC
District: 1
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasoteas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 11 (PZRZ14-00027) AND 18 (PZDS14-00027) TOGETHER.**

Motion passed.

2ND MOTION:

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Madrid, and unanimously carried to **APPROVE PZRZ14-00027 AND PZDS14-00027.**

Motion passed.

PUBLIC HEARING Special Permit Applications:

19. **PZST14-00022:** Lot 10, Block A, Patterson Subdivision, City of El Paso, El Paso County, Texas
Location: 133 Keeney Court
Zoning: R-4 (Residential)
Request: Infill Development - request reduced lot size and lot width
Existing Use: Single-family dwelling
Proposed Use: Duplex
Property Owner: Edge Construction
Representative: Edgar Munoz
District: 7
Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasoteas.gov

Andrew Salloum, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant is requesting a special permit for infill development and detailed site development plan review. The applicant is requesting the following reductions: from the required lot size 7,000 square feet to 5,924.75 square feet and from the required 70 feet lot width to 50 feet. The detailed site development plan complies with all other density and dimensional standards. Access to the subject property is proposed from Keeney Court. Staff recommends approval of the special permit for infill development and detailed site development plan review. The development meets the requirements of Sections 20.10.280, Infill Development, 20.04.320, Special Permit, and 120.04.150, Detailed Site Development Plan. Staff received one phone call in opposition to the request stating that they oppose an encroachment on a single use area. Staff has not received any adverse comments from any of the reviewing departments.

Amanda Acosta concurred with staff's comments.

Commissioner Wright 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 Erickson, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE PZST14-00022**.

Motion passed.

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20. **PZST14-00023:** Lots 25 through 27, Block 22, Second Addition to Womble Addition, City of El Paso, El Paso County, Texas
Location: 332 N. Clark Drive
Zoning: A-O (Apartment-Office)
Request: Contractor's Yard (Small) (Related to PZRZ14-00026)
Existing Use: Vacant
Proposed Use: Contractor's Yard (Small)
Property Owner: EB Silva Management, LLC
Representative: Conde, Inc.
District: 3
Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **POSTPONE PZST14-00023 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF SEPTEMBER 11, 2014**.

Motion passed.

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PUBLIC HEARING Zoning Condition Release Applications:

21. **PZCR14-00005:** Parcel 1: Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, A portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Parcel 2: Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, A portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Parcel 3: Portion of Lot 8, Block 6, Maria Seanes Estates, Unit 1, A portion of Section 8, Block 79, Township 3, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
Location: 1614 Jose Bombach
Zoning: Parcel 1: Conditions imposed by Ordinance No. 14578, dated August 15, 2000

Parcel 2: Special contract imposed by Ordinance No. 8054, dated May 15, 1984
 Parcel 3: Conditions imposed by Ordinance No. 14578, dated August 15, 2000

Request: Release of special contract and all conditions (Related to PZRZ14-00024)

Existing Use: Vacant
 Proposed Use: Shopping center
 Property Owner: Tepabe Properties, LLC
 Representative: Georges Halloul
 District: 6
 Staff Contact: Michael McElroy, (915) 212-1612, mcelroyms@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 9 (PZRZ14-00024) AND 21 (PZCR14-00005) TOGETHER.**

Motion passed.

2ND MOTION:

ACTION: Motion made by Commissioner Amoriello, seconded by Commissioner Erickson, and unanimously carried to **APPROVE PZRZ14-00024 AND PZCR14-00005.**

Motion passed.

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22. **PZCR14-00006:** A portion of Lots 21 and 26 and all of Lots 22 through 25, Block 9, Eastside Industrial District Unit One, City of El Paso, El Paso County, Texas

Location: 6966 Market Avenue
 Zoning: M-1/sc (Manufacturing/special contract)
 Request: Release of all conditions imposed by special contract dated October 23, 1956

Existing Use: Office warehouse
 Proposed Use: Salvage yard
 Property Owner: HW McKinney Jr. Wrecking Inc.
 Representative: Cesar Molina
 District: 3
 Staff Contact: Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **HEAR ITEMS 15 (PZRZ14-00032) AND 22 (PZCR14-00006) TOGETHER.**

Motion passed.

2ND MOTION:

ACTION: Motion made by Commissioner Amoriello, seconded by Commissioner Erickson, and unanimously carried to **APPROVE PZRZ14-00032 AND PZCR14-00006.**

Motion passed.

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Other Business:

- 23. Discussion and action on the City Plan Commission minutes for:
August 18, 2014

WITHOUT OBJECTION THE CITY PLAN COMMISSION MINUTES FOR AUGUST 18, 2014, WERE APPROVED.

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- 24. Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), to delete boarding house, group home, rooming house and transitional housing and add definitions for disabled group dwelling, group residential facility, homeless shelter, lodging house and emergency shelter; Chapter 20.08 (Appendix A), Table of Permissible Uses, Sections 3 and 13 – to delete transitional housing, boardinghouse, and rooming house, to allow homeless shelter by special permit in certain commercial and manufacturing districts, to allow emergency shelter by right in all apartment and commercial districts; to allow disabled group dwelling, assisted living facility, convalescent homes, intermediate care facility, nursing home, rest home and boarding home by right in residential, apartment, commercial, and certain special purpose districts, by detailed site plan in certain other special purpose districts and by master zoning plan in the residential mixed use district; and group residential facility, assisted living facility, convalescent home, intermediate care facility, nursing home, rest home, and boarding home by special permit in residential, by right in apartment, commercial, and certain special purpose districts, by detailed site plan in certain other special purpose districts and by master zoning plan in the residential mixed use district; to delete boarding home facility 4 residents or less and 5 residents or more, to allow a lodging house by right in apartment and commercial districts; Chapter 20.10 (Supplemental Use Regulations) to delete congregate home, amend the standards for boarding home facilities, add standards and regulations for disabled group dwelling; group residential facility, and homeless shelter; and (Appendix C) Table of Parking Requirements and Standards to delete transitional housing, boarding house, and rooming house, and to add standards for homeless shelter, emergency shelter, disabled group dwelling, and group residential facility, of the El Paso City Code. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
Staff Contact: Alex Hoffman, (915) 212-1566, hoffmanap@elpasotexas.gov

1ST MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **MOVE ITEM 24 TO THE FOREFRONT OF THE AGENDA.**

Motion passed.

Mathew McElroy, Director for City Development, gave a presentation and noted that this is a change to Title 20 (Zoning) with the need to update the code to comply with the ADA (Americans with Disabilities Act) and the regulation for Homeless Shelters. He noted that this item originally went to Council at the direction of Council. At that time, Council only adopted and approved the resolution for half-way houses but sent the rest of it back for additional consideration. Staff has had a number of public meetings and quite a bit of public input through a number of phone calls and emails. Mr. McElroy went over the draft as it exists today with changes that are being recommended. He noted that a number of public hearings were held and he also noted that he will be visiting transitional housing facilities. This is intended to go to Council on September 9, 2014. He went over some of the new definitions and noted that some definitions have been deleted. Staff wants to make sure that in the new categories created are consistent with the ADA (Americans with Disabilities Act). A new definition that is being added is "Group Residential Facility". One comment received is that it did not include enough protection for victims of

domestic violence and since they did not have to go through the special permit process this would violate the confidentiality of the secret location. The definition for an "Emergency Center" was also added. "Homeless Shelter" is another definition that was added but there are people from the coalition that would like that definition amended. He read some of the minor changes recommended from the coalition. Staff has no objection to those changes but it does need to go through legal review first. He read some of the supplemental use regulations for homeless shelters.

He noted that there are a couple of floor amendments that staff is recommending. First, a special permit was originally revoked if there were any changes in ownership. Staff is asking that the provision for the change in ownership be deleted so that doesn't revoke the special permit for the homeless shelter. The second amendment being recommended is to add an exception procedure for distance or for clustering up of homeless shelters.

Commissioner Wright asked if a homeless shelter is considered housing, if so, do our rules have to comply with the Federal Fair Housing Act? Legal will check into this.

Mr. McElroy responded to questions from the commission.

Commissioner Wright asked if there was anyone in the public who wished to speak in favor or against this request. The following persons spoke.

- Aliana Apodaca noted that she has requested a copy of the ordinance several times but has not received one. She encouraged Mr. McElroy to meet with the business communities and those being affected by the change of this ordinance.

Carlos Gallinar, Deputy Director for Planning, clarified that the ordinance is part of the back-up and part of the CPC agenda for this meeting and two or three weeks ago when it was introduced.

- Bill Schlesinger, Co-director for Project Vida, noted that the action that will take place today will affect all of their future ability to expand. He made the following suggestions:
 1. He suggested differentiating streams of clients, if this recommendation goes forward, and to,
 2. Set up a mechanism for evaluating other than a political process that happens all too often in a combative situation.
- Stafford Thurmond spoke in favor of the ordinance.
- Jerry Gutierrez noted that the public meeting held at the Pat O'Rourke was more of an outcry of a particular site and not dealing with the issue of this ordinance. He spoke in favor of the ordinance

2ND MOTION:

***ACTION:** Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and carried to **APPROVE THE ORDINANCE AS SUBMITTED.**

AYES: Commissioner Loweree, Brannon, Grambling, Erickson, and Amoriello

NAYS: Commissioner Wright, Landeros, and Madrid

ABSENT: Commissioner Ardivino

Motion passed (5 to 3)

3RD MOTION:

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Madrid, and unanimously carried to **SUBMIT A MINORITY REPORT TO CITY COUNCIL TO INCLUDE LANGUAGE TO INCLUDE THE CONCERNS ABOUT REDUCING THE ZONING, THE POSSIBILITY OF INCLUDING A-O AND C-2, AND TO REDUCE THE DISTANCE REQUIREMENTS ON DISABILITY, AND THE ON-SITE STAFF PERSON.**

Motion passed.

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- 25. Planning Report:
 - a. Annual Report to City Council

WITHOUT OBJECTION THIS ITEM WAS POSTPONED FOR TWO WEEKS, TO THE CITY PLAN COMMISSION MEETING OF SEPTEMBER 11, 2014.

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ADJOURNMENT:

WITHOUT OBJECTION THE CITY PLAN COMMISSION MEETING WAS ADJOURNED AT 5:06 P.M.

Approved as to form:

Carlos Gallinar, Executive Secretary, City Plan Commission

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