CITY PLAN COMMISSION
Notice of Annual Business Meeting
and Special CPC meeting to follow immediately after the Annual Meeting

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DATE: **Thursday, January 5, 2012**

TIME: **12:00 p.m.**

PLACE: **City Hall Building, 2 Civic Center Plaza**
10th Floor Large Conference Room

MINUTES

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

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

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

COMMISSIONERS ABSENT:
Commissioner Vandivort
Commissioner Carreto

DISCUSSION AND ACTION:

1. Call to Order.

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2. Welcome by the Chair

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3. Bylaws updates and changes.

There were no changes to the Bylaws.

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4. CPC Business Items:
   a. Election of Officers (Chair, First Chair, Second Chair)

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to nominate Commissioner Nance as Chair of the City Plan Commission.

Motion passed.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to nominate Commissioner Wright as 1st Chair of the City Plan Commission.

Motion passed.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to nominate Commissioner Brandrup as 2nd Chair of the City Plan Commission.

Motion passed.

Commissioner Nance assumed control of the meeting.

   b. Appointment of Sub-Committees

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE THIS ITEM TO THE CITY PLAN COMMISSION MEETING OF JANUARY 26, 2012.**

Motion passed.

   c. CPC Agenda Order of Business

Commissioner Nance requested that when two items are to be heard together that they be grouped to make it easier to follow.

   d. Quarterly Training Sessions

It was suggested that training sessions be placed on video stream or You-Tube so that the Commissioners can watch it at their leisure before coming to the meetings and this will give them the opportunity to prepare any questions they have. This will also help in making this information available to the public.

Staff will look at options and report back to the Commission.

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5. Park Fees Special Fund Report – Parks and Recreation Department.

Leonor Wilson, Business Finance Manager, on behalf of Nanette Smejkal, Director for Parks and Recreation, gave a brief summary of park fees collected. She also went over a memo prepared by Ms. Smejkal outlining some of the projects that are underway in FY12 including completing proportional investments (primary playgrounds). She discussed parkland fees in lieu of parkland dedications. She noted that $5,095,891.36 have been collected in fees.

She specified that Attachment "B" shows everything budgeted by parks.

The Commission asked that the Parks and Recreation Department bring back the following information at the next City Plan Commission meeting.

- The development cost for a park
- Park ponds acquired in 2011, and
- How much of that acreage has Improvements on it as opposed to just open space.

Richard Garcia with Parks and Recreation Department responded that the total cost for developing a park varies depending on the amenities, utilities, and irrigation installation and grading.

THIS ITEM WAS POSTPONED TO THE CITY PLAN COMMISSION MEETING OF JANUARY 26, 2012.

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6. 2011 Activity Report, Planning & Economic Development Department.
Mathew McElroy, Deputy Director, Planning & Economic Development Department, (915) 541-4193 mcelroymx@elpasotexas.gov

Philip Etiwe, Development Review Manager, gave a brief summary of the 2011 Activity Report including Zoning, Sub-Division, Long Range, and Historical Applications.

The Commission requested that a copy of this report be sent to them.

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7. Annual Report by City Plan Commissioners to City Council.

Lupe Cuellar, Assistant City Attorney, noted that the report presented by Mr. Etiwe needs to be presented as back-up to City Council. Anything that City Council recommended be sent to the Commission for their review for a recommendation, the Commission needs to provide that information back to City Council. In addition to that, the Commission needs to send City Council any recommendations for general improvements for the City.

Because the requirements for the developers to make a park pond are so stringent, the City Attorney suggested that the Commission suggest to City Council to consider changing the code requirements regarding park ponds, making it easier for developers.

Commissioner Wright requested that the City Ombudsmen or Advocate help the developer through the development process.

Commission Brandrup noted that she had come across the January 2007 Green Infrastructure Plan in reference to the specific goals and timelines, monetary amounts, and priority listing and feels there is information for the Subdivision Code and improvements that relate to park pond issues, arroyo issues, that relate to clarifying development issues in the community that need to be addressed. She requested a report and would like to know who is monitoring the situation and if it is integrated into the Master Plan.

Commissioner Landeros asked if City Council would consider a specific project that is smart growth oriented included in the Quality of Life Bond. It could be brought up to the voters and see if the voters would consider supporting such a project. Depending on its success, maybe that project can serve as a catalyst for private developers to start to use the code and we can start to see the curtailing of urban sprawl in the fringe of the city. He suggested that it be recommended to City Council that they provide some sort of incentive for smart growth development on the east side of the city.

Ms. Cuellar will take comments made at this meeting, draft a report to City Council, bring that draft back to the Commission for their review and finally have the Commission approve it.

The Commission requested Legal to look into the annexation path.

Commissioner Landeros feels it is important for the City to continue to reach out to the County Planning Department and see if there could be any coordination to help support the implementation of a building code in rural areas. He suggested that the City work with the County in the coming years and hopefully prepare for a Commissioners Court that would support these building codes and provide any supporting guidance to the City Planning Department.

Commissioner Borden requested a copy of the Minority Reports sent to City Council along with the Activity Report presented by Mr. Etiwe at the meeting.

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8. Legal Report, City Attorney's Office.
   a. Open Meetings Act

Lupe Cuellar, Assistant City Attorney, noted that every Commissioner should have already gone through the Open Meetings training and commended them for ensuring compliance with these requirements.

   b. Ethics

Ms. Cuellar referred the Commission to Chapter 1.71 of the Local Government Code and Ordinance Section 2.92 of the City Code. She noted that these are new provisions that apply to the Commission. She noted that she is always available to provide legal guidance to the Commission anytime they have a question or an issue of which they are not sure whether or not they need to abstain on a specific agenda item.

   c. Legal issues related to zoning and plats

She noted that if the plats comply with the code the Commission has to approve it. In granting a modification, there are certain findings that the Commission has to make and staff requires that it be in conformance with the Comprehensive Plan. The Commission should not approve a rezoning case if it is not in conformance with the Comprehensive Plan. She noted that the only times the Commission can place conditions on rezoning cases is if it is directly necessary and attributable to the change in zoning to the increase intensity that new change in zoning is going to create for the surrounding property. She briefly discussed Chapter 245 of the Local Government Code. She spoke about vesting and noted that if nothing is done on that property for five years then the property looses its vesting. Another way that it will loose its vesting is if it is no longer the same project.

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9. Public Comment.

There were no public comments.

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10. Adjournment of the Annual City Plan Commission Business Meeting

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Vorba, and unanimously carried to **ADJOURN THE ANNUAL CITY PLAN COMMISSION BUSINESS MEETING AT 2:30 PM.**

Motion passed.

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SPECIAL CITY PLAN COMMISSION MEETING

I. Call to Order.

Commissioner Brandrup 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 Brandrup, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE** the agenda as amended.

Motion passed.

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II. 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.

A sign-up form is available outside the conference room for those who wish to sign up on the day of the meeting. Requests to speak must be received by 1:30 p.m. on the date of the meeting. A total time of five minutes may be allowed for each speaker. The Public Comment portion shall not exceed thirty (30) minutes, unless otherwise approved by the City Plan Commission.

THERE WAS NO PUBLIC COMMENT.

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III. REGULAR AGENDA DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

Major Final:

1.	**SUSU11-00126:**	Lomas Del Este – Being a portion of Tract 3, Section 35, a portion of Section 37, and a portion of Tract 4B, Section 38, Block 79,Township 2, Texas and Pacific Railroad Surveys, City of El Paso, El Paso County, Texas
	Location:	East of Zaragoza Road and North of Edgemere Boulevard
	Property Owner:	Ranchos Real XIV, River Oaks Properties
	Representative:	SLI Engineering
	District:	5
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

George Halloul with SLI Engineering concurred with staff's comments.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Landeros, and unanimously carried to **APPROVE SUSU11-00126 WITH GENERAL MODIFICATION 19.04.070.A.3 AND WITH THE FOLLOWING CONDITION THAT THE IMPROVEMENTS TO THE PORTION OF JOHN HAYES STREET LOCATED OUTSIDE OF THE CITY LIMITS BE INCLUDED IN THE SUBDIVISION IMPROVEMENT PLANS FOR LOMAS DEL ESTE SUBDIVISION AND THAT THOSE IMPROVEMENTS BE CONSTRUCTED CONCURRENTLY WITH THE IMPROVEMENTS TO THE ENTIRE WIDTH FOR JOHN HAYES.**

Motion passed.

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2.	**SUSU11-00128:**	Tierra Del Este Unit Sixty Eight – Being a portion of Section 2, Block 79, Township 3, Texas and Pacific Railway Company Surveys, El Paso County, Texas
	Location:	South of Montwood Drive and East of Rich Beem Boulevard
	Property Owner:	Ranchos Real XV, LLC
	Representative:	Conde, Inc.
	District:	ETJ
	Staff Contact:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

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

ACTION: Motion made by Commissioner Landeros, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00128 WITH THE CONDITION THAT TIERRA DEL ESTE UNIT 56 REPLAT "A", MONTWOOD SUBDIVISION AND VENTANAS SUBDIVISION UNIT 5 SHALL BE FILED PRIOR TO OR CONCURRENTLY WITH TIERRA DEL ESTE UNIT SIXTY EIGHT TO PROVIDE LEGAL ACCESS TO THE SUBDIVISION.**

Motion passed.

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***ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Brandrup, and unanimously carried to **HEAR SUSU11-00130 AND SUSU11-00131 SIMULTANEOUSLY.**

Motion passed.

3.	**SUSU11-00130:**	Cimarron Sage Unit One - Being a portion of Tracts 1, 1A2, and 1A1, Nellie D. Mundy Survey 242 and Tracts 1B5B2 and 1B5C, S.J. Larkin Survey 266,City of El Paso, El Paso County, Texas
	Location:	East of Resler Drive and South of Northern Pass Drive
	Property Owner:	Cimarron Hunt Communities, LLC
	Representative:	CSA Design Group
	District:	1
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov
4.	**SUSU11-00131:**	Cimarron Sage Unit Two - Being a portion of Tracts 1 and 1B4, Nellie D. Mundy Survey 242, City of El Paso, El Paso County, Texas
	Location:	East of Resler Drive and South of Northern Pass Drive
	Property Owner:	Cimarron Hunt Communities, LLC
	Representative:	CSA Design Group
	District:	1
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

Kevin Smith, Planner, noted that comments from OSAB recommending approval were not reflected on the staff report because staff did not receive their comments until after the staff reports had been distributed. OSAB had some concerns but they have been addressed.

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

Richard Garcia with the Parks and Recreation Department noted that the area around Pond #4 will be left at its natural state.

Kareem Dallo, Engineering Division Manager, noted that they are confident that homes built where the arroyo is being diverted will be out of harms way.

Commissioner Borden requested to go on record that the portion of the arroyo that was preserved is beautiful.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00130 AND SUSU11-00131 WITH THE RECOMMENDATION THAT THE CITY PLAN COMMISSION REQUIRE THE APPLICANT TO LANDSCAPE THE REAR OF THE DOUBLE FRONTAGE LOTS AND HAVE RESTRICTIVE ACCESS AS WELL AS LANDSCAPING AND THAT THE APPLICANT COORDINATE THAT REQUIREMENT WITH THE DEPARTMENT OF TRANSPORTATION AND WITH THE CONDITION THAT PASEO DEL NORTE BOULEVARD UNIT ONE BE RECORDED PRIOR TO OR CONCURRENTLY WITH CIMARRON SAGE UNIT ONE TO PROVIDE ADEQUATE ACCESS.**

Motion passed.

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Major Preliminary

5.	**SUSU11-00125:**	Mission Ridge Unit Five – Being a portion of C.D. Stewart Survey No. 319, El Paso County, Texas
	Location:	North of Eastlake Boulevard and East of Peyton Drive
	Property Owner:	Texas General Land Office
	Representative:	TRE & Associates, LLC
	District:	ETJ
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

Robert Romero with TRE & Associates, LLC concurred with staff's comments and noted that they are undergoing conceptual designs for a park in the open space. This park will have amenities such as benches, picnic tables, and playground equipment. In addition to that, there will also be a park near the intersection of Emerald Sands and Eastside.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00125 WITH THE CONDITION THAT THE APPLICANT LANDSCAPE THE REAR OF THE DOUBLE FRONTAGE LOT AND THAT THIS RECOMMENDATION BE COORDINATED WITH THE DEPARTMENT OF TRANSPORTATION.**

Motion passed.

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***ACTION:** Motion made by Commissioner De La Cruz, seconded by Commissioner Brandrup, and unanimously carried to **HEAR SUSU11-00123 AND SUSU11-00124 SIMULTANEOUSLY.**

Motion passed.

PUBLIC HEARING Resubdivision Combination:

6.	**SUSU11-00123:**	Zaragoza Corporate Center Replat "D" – Being a portion of Lot 5, Block 1, and all of Lots 1 and 2, Block 3, Zaragoza Corporate Center, City of El Paso, El Paso County, Texas
	Location:	East of Joe Rodriguez Drive and South of Americas Avenue
	Property Owner:	Verde Nasa Apartments, LP & KAIA, LLC
	Representative:	Quantum Engineering Consultants, Inc.
	District:	6
	Staff Contact:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

7.	**SUSU11-00124:**	Zaragoza Corporate Center Replat "C" – Being all of Lots 1 & 2 and a portion of Lot 3, Block 1, Zaragoza Corporate Center, City of El Paso, El Paso County, Texas
	Location:	East of Joe Rodriguez Drive and South of Americas Avenue
	Property Owner:	Verde Nasa Apartments, LP
	Representative:	Quantum Engineering Consultants, Inc.
	District:	6
	Staff Contact:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Robert Gonzalez with Quantum Engineering 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 Landeros, seconded by Commissioner De La Cruz, to **APPROVE SUSU11-00123 AND SUSU11-00124.**

Motion passed.

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PUBLIC HEARING Street Vacation:

8.	**SURW11-00008:**	Upson Avenue Street Vacation – Being a portion of Upson Avenue and Missouri Street, all of Block Q out of Satterthwaite Addition an unrecorded plat, City of El Paso, El Paso County, Texas
	Location:	East of Santa Fe Street and North of Missouri Street
	Property Owner:	City of El Paso
	Representative:	Conde, Inc.
	District:	8
	Staff Contact:	Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

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

Javier Reyes with the Engineering Department gave a brief power point presentation with four different options and noted that this is conceptual.

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

Leon Raines with the Texas Workforce Commission spoke in favor of this request. He expressed his concern and asked if there is the possibility of making a loading zone area along the rear area side between the Bank of America drive through and their building. They want to know what options they have available and would like for the Commission to consider this when making their determination.

ACTION: Motion made by Commissioner Brandrup, seconded by Commissioner Borden, and unanimously carried to **APPROVE SURW11-00008 WITH THE RECOMMENDATION THAT THE CITY COLLABORATE ON THE ACCESS ISSUES OUTLINED BY THE TEXAS WORKFORCE COMMISSION.**

Motion passed.

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Other Business:

9. Discussion and action on the City Plan Commission minutes of:
December 15, 2011

ACTION: Motion made by Commissioner Borden, seconded by Commissioner Brandrup, and carried to **APPROVE THE CITY PLAN COMMISSION MINUTES OF DECEMBER 15, 2011.**

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

Motion passed.

Kimberly Forsyth gave Commissioner Nance, for his review, a draft of the Minority Report that he had requested at the last City Plan Commission meeting.

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10. Planning Report:
N/A

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11. Legal Report:
N/A

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ADJOURNMENT:

Motion made by Commissioner Landeros, seconded by Commissioner De La Cruz, and unanimously carried to adjourn this meeting at 3:28 p.m.

Approved as to form:

Mathew McElroy, Executive Secretary, City Plan Commission