CITY PLAN COMMISSION MEETING
ENGINEERING 4TH FLOOR, LARGE CONFERENCE ROOM
MARCH 22, 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 Schauer
Commissioner Nance
Commissioner Vorba
Commissioner Carreto

COMMISSIONERS ABSENT:
Commissioner Brandrup
Commissioner Landeros

AGENDA

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

AYES: Commissioner De La Cruz, Wright, Borden, Carreto, Nance, Vorba, and Schauer
ABSENT: Commissioner 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

There were no items on the Consent Agenda.

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III. REGULAR AGENDA - DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

Major Combination:

1.	**SUSU12-00018:**	Gary Lake Subdivision - Being all of Tracts 20E, 20E1 and 20E2, Block 2, Upper Valley Surveys, City of El Paso, El Paso County, Texas
	Location:	North of Gary Lane and West of Boy Scout Lane
	Property Owner:	Albert A. and Cristina R. Lanza
	Representative:	CAD Consulting Co.
	District:	8
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE SUSU12-00018 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF APRIL 5, 2012.**

Motion passed.

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PUBLIC HEARING Resubdivision Final:

2.	**SUSU12-00017:**	North Desert Palms – A replat of all lots of Blocks 1, 2, and 3, Robert Todd Way, Lisa Anne Way, and Billy Joe Circle, of Desertaire Estates, City of El Paso, El Paso County, Texas
	Location:	East of McCombs Street and North of Dyer Street
	Property Owner:	Tropicana Building Corp.
	Representative:	CEA Group
	District:	4
	Staff Contact:	Nathaniel Baker, (915) 541-4192, bakernt@elpasotexas.gov

1ST MOTION:
ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Wright, and unanimously carried to **TABLE SUSU12-00018 TO THE END OF THE AGENDA TO ALLOW THE APPLICANT TO BE PRESENT.**

Motion passed.

At the request of the Commission this item was re-opened for discussion.

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. There was no response.

2ND MOTION:
ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU12-00017.**

Motion passed.

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RECESS:

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Borden, and unanimously carried to **RECESS THE CITY PLAN COMMISSION MEETING AT 2:30 P.M., FOR 5 MINUTES.**

Motion passed.

RECONVENE:

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to **RECONVENE THE CITY PLAN COMMISSION MEETING AT 2:35 P.M.**

Motion passed.

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Other Business:

3. Discussion and action on the City Plan minutes for:
March 8, 2012

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE THE CITY PLAN COMMISSION MINUTES OF MARCH 8, 2012 WITH THE FOLLOWING AMENDMENT. THE NAME OF THE REPRESENTATIVE ON ITEM SUSU12-00007 SHOULD BE CHANGED FROM GREG GARDNER TO GREG BYERS.**

Motion passed.

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4. Discussion and action on an Ordinance amending Ordinance No. 017524 which amended Ordinance No. 017109 which vacated a portion of Boston Avenue, to allow another one year extension to complete improvements on the pedestrian walkway, and to revise the Quitclaim Deed to reflect the extended time for completion.
Staff Contact: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

Kimberly Forsyth, Lead Planner, gave a summary of the conditions approved by City Council in the original vacation ordinance on April 14, 2009. City Council granted a one year extension in April 2011 and in exchange for that extension they added some additional conditions. Since the one year term is coming up and improvements have not been started, The applicant is requesting an additional term with the condition that the street remain open until such time the walkway improvements begin. Once it begins, the applicant has six (6) months to complete the improvements and the City Manager may grant an additional three (3) months.

Bob Ayoub, applicant, noted that this was approved in the middle of the recession and they couldn't get started, therefore, they are asking for an extension. They have been in discussions with the City regarding the construction and are closer to having a plan that both the City and they can agree on. They want to do the renovations of the streets and the building at the same time.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto, and unanimously carried to **APPROVE AN ORDINANCE AMENDING ORDINANCE NO. 017524 WHICH AMENDED ORDINANCE NO. 017109 WHICH VACATED A PORTION OF BOSTON AVENUE TO ALLOW ANOTHER ONE YEAR EXTENSION TO COMPLETE IMPROVEMENTS ON THE PEDESTRIAN WALKWAY, AND TO REVISE THE QUITCLAIM DEED TO REFLECT THE EXTENDED TIME FOR COMPLETION.**

Motion passed.

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5. Discussion and action on an ordinance amending Title 19 (Subdivisions), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.050 (Roadway Participation Policies-Improvement of Adjacent Perimeter Roads and Utilities) and Chapter 19.15 (Roadways), Section 19.15.050 (General Requirements) of the El Paso City Code to allow for the waiver of the dedication or improvements of adjacent substandard roads when specific criteria are met. The penalty is as provided in Chapter 19.42 of the City of El Paso City Code.
   Staff Contact: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

Kimberly Forsyth, Lead Planner, gave a summary and noted that this is an amendment to Title 19 that relates to Roadway Participation Policies. This item was heard at the last City Plan Commission meeting and the Commission asked staff to add more restrictive language that would further limit the ability to use this provision. The following language was added under Item number (1): Only **IF THE PROPERTY IS NOT SUBJECT TO A PREVIOUSLY APPROVED DEVELOPMENT AGREEMENT, ANNEXATION AGREEMENT OR LAND STUDY,** the City Plan Commission could consider the waiver and also under 1.A. the following was added: **THAT THE EXISTING STREET HAVE THE CAPACITY TO HANDLE THE INCREASE IN TRAFFIC TO BE GENERATED BY THE PROPOSED DEVELOPMENT.** For properties located within the ETJ, the County must approve of the substandard road and provide written documentation that they are willing to accept it.

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 Wright, seconded by Commissioner Borden, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.10 (DEDICATION, CONSTRUCTION REQUIREMENTS AND CITY PARTICIPATION), SECTION 19.10.050 (ROADWAY PARTICIPATION POLICIES-IMPROVEMENT OF ADJACENT PERIMETER ROADS AND UTILITIES) AND CHAPTER 19.15 (ROADWAYS), SECTION 19.15.050 (GENERAL REQUIREMENTS) OF THE EL PASO CITY CODE TO ALLOW FOR THE WAIVER OF THE DEDICATION OR IMPROVEMENTS OF ADJACENT SUBSTANDARD ROADS WHEN SPECIFIC CRITERIA ARE MET**

Motion passed.

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6. Discussion and action on an ordinance amending Title 20 (Zoning), Chapter 20.22 (Nonconforming Situations), Sections 20.22.030, 20.22.040 and 20.22.070 (Nonconforming Structures, Nonconforming Uses, and Registration and Certificate of Occupancy Required) of the El Paso City Code, to revise the requirements to register a nonconforming building or use. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
   Staff Contact: Linda Castle, (915) 541-4029, castlelj@elpasotexas.gov

Linda Castle, Senior Planner, gave a summary and noted that the City Manager has directed staff to implement application processing changes and code amendments that are intended to

streamline and simplify zoning processes. She noted that the major change was to Section 20.22.070.A. Registration Requirement. The City is trying to codify the number and types of documents required to register a legal non-conforming structure or use. We are allowing the submittal of one document to register a non-conforming structure, whether it is a building permit or an aerial photo. We are requiring two supporting documents to demonstrate the legal con-conformity of a use. Supporting documentation may include, but is not limited to, building permits, certificates of occupancy, aerial photograph, central appraisal district records, or affidavits from surrounding property owners or other knowledgeable persons.

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 Wright, seconded by Commissioner Borden, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.22 (NONCONFORMING SITUATIONS), SECTIONS 20.22.030, 20.22.040 AND 20.22.070 (NONCONFORMING STRUCTURES, NONCONFORMING USES, AND REGISTRATION AND CERTIFICATE OF OCCUPANCY REQUIRED OF THE EL PASO CITY CODE, TO REVISE THE REQUIREMENTS TO REGISTER A NONCONFORMING BUILDING OR USE.**

Motion passed.

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7. Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code to add a section establishing standards for an environmental and wildlife research conservancy overlay. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
   Staff Contact: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

Arturo Rubio, Senior Planner, gave a summary and noted that this was a recommendation by the Open Space Advisory Board to City Council to place a Natural Open Space District over the Keystone and Rio Bosque to be designated as a Wildlife Sanctuary. He summarized the OSAB's recommendations with major dates.

- April 6, 2010, City Council amended Title 20 (Zoning) to adopt the Natural Open Space District and set standards for that district.
- February 16, 2011, OSAB provided recommendations to the City Council for a Wildlife Conservancy Overlay.
- July 12, 2011, City Council directed staff to move forward with the internal review of this request concurrent with OSAB recommendations.

Staff is recommending an ordinance amending Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations) of the El Paso City Code, to add a section establishing standards for a Wildlife Conservancy Overlay. He discussed the process of how the Overlay would be placed on the properties.

Mr. Rubio clarified that the Commission is only amending the Zoning Code to adopt the process to do the overlay. The overlay for Rio Bosque and Keystone is not being done yet.

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 Wright, seconded by Commissioner Borden, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) OF THE EL PASO CITY CODE TO ADD A SECTION ESTABLISHING STANDARDS FOR AN ENVIRONMENTAL AND WILDLIFE RESEARCH CONSERVANCY OVERLAY.**

Motion passed.

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8. Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.18 (Sign Regulations), Section 20.18.410 (R-F, R-1, R-2A, R-3, R-3A, R-4, R-5, RMH, PR-II and PMD Districts) of the El Paso City Code to add School and Church monument signs and requirements. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
Staff Contact: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.18 (SIGN REGULATIONS), SECTION 20.18.410 (R-F, R-1, R-2A, R-3, R-4, R-5, RMH, PR-11 AND PMD DISTRICTS) OF THE EL PASO CITY CODE TO ADD SCHOOL AN CHURCH MONUMENT SIGNS AND REQUIREMENTS FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF APRIL 5, 2012.**

Motion passed.

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ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Schauer, and unanimously carried to **RE-OPEN ITEM #2 (SUSU12-00017).**

Motion passed.

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9. Planning Report:
   a. Update on zoning cases that were recommended for denial by CPC but approved by City Council.

Art Rubio, Planner, gave a summary of the zoning cases that were recommended for denial by the City Plan Commission but approved by City Council. The Commission requested that this report include the type of request, case number, a map, the City Plan Commission's and the City Council's recommendation. Staff concurred with the request.

   b. Update on parking tags for CPC.

Philip Etiwe, Development Review Manager, noted that he was able to obtain green parking tags for the Commission. He requested that they fill out the form and return it to him for processing.

   c. Amendment to the By-Laws

An amendment to the By-Laws was read by Lupe Cuellar, Assistant City Attorney, noted that Article V, Item 5 has been modified to allow the Chair to vote on any matter that may come before the Commission.

ACTION: Motion made by Commissioner Carreto, seconded by Commissioner Wright, and unanimously carried to **APPROVE THE BY-LAWS WITH AMENDMENTS.**

Motion passed.

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10. Legal Report:
N/A

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ADJOURNMENT:

Motion made by Commissioner Nance, seconded by Commissioner Carreto, and unanimously carried to adjourn this meeting at 2:44 p.m.

Approved as to form:

Mathew McElroy, Executive Secretary, City Plan Commission