



**CITY PLAN COMMISSION MEETING
CITY HALL BUILDING,
10TH FLOOR, LARGE CONFERENCE ROOM
APRIL 7, 2011
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 Updike present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:

Commissioner De La Cruz
Commissioner Nance
Commissioner Borden
Commissioner Wright
Commissioner Updike
Commissioner Vorba

COMMISSIONERS ABSENT:

Commissioner Carreto
Commissioner Vandivort
Commissioner Landeros

AGENDA

Commissioner Vorba read the rules into the record. Mathew McElroy, Deputy Director for Planning, noted that there were no revisions to the agenda.

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **MOVE ITEM 11 (SMARTCODE TO THE FOREFORENT.**

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

ABSENT: Commissioner Carreto, Vandibort, and Landeros

Motion passed.
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I. CALL TO THE PUBLIC – PUBLIC COMMENT

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

NO ACTION WAS TAKEN.
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II. CONSENT AGENDA

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

Extension Request to Submit Recording Maps:

- 1. **SUSU11-00016:** The Estates at Emerald Park Unit Four – Being a portion of Tracts 1, 1A, and 12, C.D. Stewart Survey No. 320, El Paso County, Texas
 - Location: South of New Britton Drive and West of Ashford Street
 - Property Owner: Northtowne Village Joint Venture
 - Representative: CEA Group
 - District: ETJ
 - Staff Contact: Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU11-00016**.

Motion passed.

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Commissioner Updike presented Ruben Chavez a plaque and thanked him for his service and contribution to the City of El Paso and to the City Plan Commission.
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III. REGULAR AGENDA - DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

Extension Request to Complete Subdivision Improvements:

- 2. **SUSU11-00014:** Gran Vista Estates Unit One – Being a portion of Tract 10A, 11A, 12A and 13A, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas
 - Location: East of Lee Trevino Drive and North of Castner Road
 - Property Owner: SAAB Development Corporation
 - Representative: Conde, Inc.
 - District: 7
 - Staff Contact: Raul Garcia, (915) 541-4935, garcia1@elpasotexas.gov

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

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU11-00014 WITH THE CONDITION THAT THE SECURITY BE PROVIDED PRIOR TO THE EXPIRATION DATE OF MAY 13, 2011**.

Motion passed.

Major Preliminary:

3. **SUB11-00049:** 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 XIV, LLC
- Representative: Conde, Inc.
- District: ETJ
- Staff Contact: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Richard Garcia with the Parks and Recreation Department noted that there is a requirement of one play structure and two picnic units.

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

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to **APPROVE SUB11-00049 WITH THE CONDITION THAT MONTWOOD STREET SUBDIVISION BE FILED PRIOR TO TIERRA DEL ESTE UNIT SIXTY EIGHT TO PROVIDE LEGAL ACCESS TO THE SUBDIVISION.**

Motion passed.

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4. **SUSU11-00011:** Ventanas Subdivision Unit Four – Being a portion of Section 46, Block 79, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas
- Location: West of Rich Beem Boulevard and South of Gambusino Avenue
- Property Owner: GFA, LLC
- Representative: CEA Group
- District: 6
- Staff Contact: Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

Tony Bustillos with the Department of Transportation noted that this is a partial list of trees recommended by the approved tree list for the City. This is a recommendation and not a requirement. They are only asking for coordination with the spacing.

Jorge Azcarate with CEA Group concurred with staff's comments. They will coordinate with the Department of Transportation to make sure that the street lights do not conflict with the proposed trees.

It was requested that at the next City Plan Commission meeting an item be placed under the Planning Report and that the Engineering Department report back regarding park pond design criteria and to specifically compare it to Tucson.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00011 WITH THE FOLLOWING CONDITIONS:**

- **THAT VENTANAS SUBDIVISION UNIT THREE BE RECORDED PRIOR TO VENTANAS SUBDIVISION UNIT FOUR IN ORDER TO PROVIDE ACCESS TO THIS SUBDIVISION, AND**
- **WITH THE REQUIREMENT OF LANDSCAPING ON THE PARKWAY AT THE REAR OF THE DOUBLE FRONTAGE LOTS, AND**
- **THE TYPE OF TREES TO BE USED TO BE CHOSEN FROM THE LIST PROVIDED BY STAFF IN COORDINATION WITH THE ILLUMINATION, AND**
- **WITH GENERAL MODIFICATION 19.04.070.A.3 OF THE CITY CODE.**

Commissioner Wright recommended that the developer landscape the area along the street in front of the pond.

Motion passed.

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Major Combination:

- 5. **SUSU11-00015:** Resler Ponding Area One – Being a portion of S. J. Larkin Survey No. 266, City of El Paso, El Paso County, Texas
 - Location: East of Redd Road and South of Hermoso Del Sol Drive
 - Property Owner: Hunt Communities Holdings, LLC
 - Representative: Conde, Inc.
 - District: 1
 - 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 Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00015.**

Motion passed.

Commissioner Nance recommended that staff look into the standard regarding rock walls and how much cement should be used when building them.

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PUBLIC HEARING Rezoning Applications:

- 6. **ZON11-00014:** All of Tract 57, Nellie D. Mundy Survey No. 241, City of El Paso, El Paso County, Texas
 - Location: 6332 Santiago Street
 - Zoning: R-3 (Residential)
 - Request: From R-3 (Residential) to R-5 (Residential)
 - Existing Use: Single-family dwelling
 - Proposed Use: Two-family dwellings
 - Property Owner: Santiago Ventures LLC
 - Representative: CAD Consulting Company
 - District: 1
 - Staff Contact: Andrew Salloum, (915)-541-4633, salloumam@elpasotexas.gov

Carlos Jimenez with CAD Consulting Company concurred with staff's comments and noted that Santiago Street is already an approved city project.

Michelle Padilla with the Department of Transportation noted that they are still required to meet their proportionate share of the plat to dedicate the right of way. She also noted that if this is not a city project the developer will have to provide sidewalks.

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

Lucinda Cuellar noted that they had put in for Community Development grant funds because Santiago Street and Domingo do not have access to the sewage system. She requested that the developer consider using single family on the lots that they are developing.

Enrique Escobar, general partner for Santiago Ventures, noted that this development will bring sewer to the areas that were of concern to Ms. Cuellar. The reason he is requesting an R-5 zone is because duplexes are not allowed in an R-3 zone.

Ms. Cuellar was in favor of the request after listening to Mr. Escobar's explanation.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE ZON11-00014.**

Motion passed.

RECESS:

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Borden, and unanimously carried to **RECESS THE CITY PLAN COMMISSION MEETING AT 3:25 P.M.**

Motion passed.

RECONVENE:

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **RECONVENE THE CITY PLAN COMMISSION MEETING AT 3:30 P.M.**

Motion passed.

***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **HEAR ZON11-00015 AND ZON11-00016 CONCURRENTLY.**

Motion passed.

- 7. **ZON11-00015:** All of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights, City of El Paso, El Paso County, Texas
 - Location: 1101 Magoffin Avenue
 - Zoning: A-3/H (Apartment/Historic)
 - Request: S-D/H (Special Development/Historic)
 - Existing Use: Vacant
 - Proposed Use: Visitor parking lot for the Magoffin Home State historic site
 - Property Owners: Texas Historical Commission, Historic Sites Division
 - Representative: Leslie Bergloff, Site Manager, Magoffin Home State Historic
 - District: 8
 - Staff Contact: Tony De La Cruz, (915) 541-4329, delacruzja@elpasotexas.gov

Bobby Gonzales with Quantum Engineering noted that the ponding area came in as a request from the Engineering Department.

Leslie Bergloff, Site Manager, for the Magoffin Home and who also works for the Texas Historical noted that they have a need for additional parking for the Magoffin Home. She also noted that parking will not be shared with anyone. They have submitted a request to the City for crosswalks which would be across the street and closer to the home, if approved they would have to do that at their expense.

Commissioner Updike 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 Nance, and unanimously carried to **APPROVE ZON11-00015 WITH THE RECOMMENDATION THAT THE CITY PUT HANDICAP ACCESSIBILITY FROM THE PARKING LOT TO THE STREET AND WITH A CROSSWALK AT THE APPLICANT'S EXPENSE.**

Motion passed.

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PUBLIC HEARING Detailed Site Development Plan Review:

- 8. **ZON11-00016:** All of Lots 17 through 21 and a portion of Lot 22, Block 16, Franklin Heights, City of El Paso, El Paso County, Texas
- Location: 1101 Magoffin Avenue
- Zoning: S-D/H (Special Development/Historic)
- Request: Detailed Site Development Plan Review as required by rezoning request
- Existing Use; Vacant
- Proposed Use: Visitor parking lot for the Magoffin Home State historic site
- Property Owner: Texas Historical Commission, Historic Sites Division
- Representative: Leslie Bergloff, Site Manager, Magoffin Home State Historic
- District: 8
- Staff Contact: Tony De La Cruz, (915) 541-4329, delacruzja@elpasotexas.gov

Commissioner Updike 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 Nance, and unanimously carried to **APPROVE ZON11-00016 WITH THE RECOMMENDATION THAT THE CITY PUT HANDICAP ACCESSIBILITY FROM THE PARKING LOT TO THE STREET AND WITH A CROSSWALK AT THE APPLICANT'S EXPENSE.**

Motion passed.

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Other Business:

- 9. Discussion and action on the City Plan Commission minutes of: March 24, 2011

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE THE CITY PLAN COMMISSION MINUTES OF MARCH 24, 2011.**

Motion passed.

- 10. An Ordinance amending Title 20 (Zoning), Chapter 20.14 (Off-street Parking, Loading, and Storage Standards), and Appendix C (Minimum Parking Requirements) of the El Paso City Code, to add maximum parking standards and to amend other provisions for vehicle parking requirements. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
Staff contact: Melissa Granado, (915) 541-4730, granadom@elpasotexas.gov

Melissa Granado, Senior Planner, gave a brief power point presentation and made a comparison to other cities. She noted that the recommendation by staff is to modify the existing policy by

adopting parking maximums. In adopting the parking maximums a new administrative process for excess parking has been included that would allow the City Manager or Designee to administratively approve parking in excess of the maximum.

Commissioner Nance made a recommendation to make pervious concrete an option but not a requirement.

Melissa read the following comments from the Department of Transportation regarding the parking excess section into the record.

Pervious concrete surface shall be used on 50% of the total parking areas and pervious concrete surface shall be incorporated into and around the landscape and tree areas to harvest storm run off and pervious concrete surface shall be designed dependant on soil type and areas away from street right-of-ways.

1ST MOTION:

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Borden, and carried to **APPROVE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.14 (OFF-STREET PARKING, LOADING, AND STORAGE STANDARDS), AND APPENDIX C (MINIMUM PARKING REQUIREMENTS) OF THE EL PASO CITY CODE, TO ADD MAXIMUM PARKING STANDARDS AND TO AMEND OTHER PROVISIONS FOR VEHICLE PARKING REQUIREMENTS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE WITH THE FOLLOWING CHANGES:**

- Eliminate the cap of 10% excess parking above the maximum
- Reinsert to modify Section 20.14.030 to read as follows: A surface that allows infiltration of water or runoff into the underlying construction or soil **which has to be some type of hardscape material approved by the City Engineer,** and
- Change 20.14.030 definitions to read: **Pervious Surface** instead of Pervious concrete surface

AYES: Commissioner Borden, Wright, and Vorba

NAYS: Commissioner De La Cruz, and Nance

ABSENT: Commissioner Carreto, Vandivort, and Landeros

Motion passed.

2ND MOTION:

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, to **CHANGE THE MOTION THAT JUST PASSED WHERE EVERYTHING IS APPROVED EXCEPT FOR REQUIRING THE PERVIOUS SURFACE ON THE EXCESS PARKING AND THAT THE PERVIOUS SURFACE BE A RECOMMENDATION AND NOT A REQUIREMENT.**

AYES: Commissioner De La Cruz, and Nance

NAYS: Commissioner Borden, Wright, and Vorba

ABSENT: Commissioner Carreto, Vandivort, and Landeros

Motion failed.

Mr. McElroy will convey to City Council that there was no objection to the parking maximum. That the Commission agreed unanimously on the additional trees but disagreed on pervious surface for the additional parking spaces required.

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***ACTION:** Motion made by Commissioner Wright, seconded by Commissioner Nance, and unanimously carried to **MOVE ITEM 11 TO THE FOREFRONT.**

Motion passed.

11. An Ordinance Amending Title 21, (SmartCode), Chapter 21.10 (General To All Plans), Chapter 21.30 (New Community Plans), Chapter 21.40 (Infill Community Scale Plans), Chapter 21.50 (Building Scale Plans), Chapter 21.70 (Definitions of Terms), and Chapter 21.80 (Tables) of the El Paso City Code to clarify the code and add standards for new zones. The penalty is as provided for in 21.60 of the El Paso City Code.

Staff Contact: David A. Coronado, (915) 541-4632,
coronadoda@elpasotexas.gov

David Coronado, Lead Planner, gave a brief presentation and read some of the changes as recommended by staff, DKP, and PlaceMakers.

Commissioner Nance requested that when additional changes are made to the first revisions already distributed to the Commission that they be made in a different color.

Lupe Cuellar, Assistant City Attorney, clarified that it is state statute that variances can only be granted by the Zoning Board of Adjustment, not City Council or CRC.

Susan Henderson, with PlaceMakers, explained what a variance is and also noted that variances are permitted for hardships. She recommended that the following changes located on Page 7 on Items D-2B and D-2C be made.

Item D-2 B: Does not increase the percentage of land designated as a Special District; **pursuant to Section 21.30.060.**

Item D-2.C: Does not reduce the percentage of land designated on the approved regulating plan as civic spaces; **below what's required under Section 21.30.050 which is 5% of the pedestrian shed.**

She deferred item D-3 to Lupe Cuellar and noted that she does not understand how this can be legally defensible. She requested that Item D-3 be eliminated completely.

Ms. Cuellar concurred with Ms. Henderson's comments.

Commissioner Updike asked if there was anyone in the public who would like to comment on the changes. There was no response.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Borden, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 21, (SMARTCODE), CHAPTER 21.10 (GENERAL TO ALL PLANS), CHAPTER 21.30 (NEW COMMUNITY PLANS), CHAPTER 21.40 (INFILL COMMUNITY SCALE PLANS), CHAPTER 21.50 (BUILDING SCALE PLANS), CHAPTER 21.70 (DEFINITIONS OF TERMS), AND CHAPTER 21.80 (TABLES) OF THE EL PASO CITY CODE TO CLARIFY THE CODE AND ADD STANDARDS FOR NEW ZONES. THE PENALTY IS AS PROVIDED FOR IN 21.60 OF THE EL PASO CITY CODE WITH MODIFICATIONS.**

Mr. McElroy noted that the language on item D-2.B and D-2.C are okay as long as it doesn't exceed the 20% maximum allowed under this title. On D-2.C that it does not reduce the percentage of civic space below 5%.

Motion passed.

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12. Discussion and action on .an Ordinance amending Title 20 (Zoning), Chapter 20.06 (Zoning Districts and Maps), Section 20.06.10, (Districts Established and Enumerated), Section 20.06.020 (Purpose of Districts) and Chapter 20.10 (Supplemental Use Regulations) and Appendix A (Table of Permissible Uses) of the El Paso City Code to add a restricted growth district and establish standards for the district to include uses allowed in the district. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

Staff Contact: Kimberly Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

Kimberly Forsyth, Lead Planner, gave a brief power point presentation and noted that on March 29, 2011 City Council directed staff to create a new zoning district which is being called RGD (Restricted Growth District). She read into the record some of the permitted uses and Special Permit Uses which are Open Space, Minor Utility Facility, Major Utility Facility, Streets and ROW (public or private), Detention Basin, Stormwater Retention Pond (public/private), and Transfer of Development Rights. She also noted that the EPWU recommend changing the name of the district to "Urban Reserve District" and minor text revisions which she read into the record. Under Section "A" Restricted Growth District means an area that has **development** value **with** open space **opportunities**... On paragraph "B" they flipped the sentences so that the second sentence now becomes the first sentence and the second sentence is now the first sentence. The LRC recommended approval but they also requested that it only be permitted to be rezoned to SmartCode and not mixed use, and that prior to development of this district would be rezoned to SmartCode and not mixed use.

Rudy Valdez with the EPWU noted that they have no objection to the proposed changes just the minor changes in regards to the name of the district to Urban Reserve District.

Commissioner Updike asked for public comments. There was no response.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.06 (ZONING DISTRICTS AND MAPS), SECTION 20.06.10, (DISTRICTS ESTABLISHED AND ENUMERATED), SECTION 20.06.020 (PURPOSE OF DISTRICTS) AND CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS) AND APPENDIX A (TABLE OF PERMISSIBLE USES) OF THE EL PASO CITY CODE TO ADD A RESTRICTED GROWTH DISTRICT AND ESTABLISH STANDARDS FOR THE DISTRICT TO INCLUDE USES ALLOWED IN THE DISTRICT. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE WITH THE FOLLOWING CONDITIONS:**

- CHANGE THE NAME OF THE DISTRICT TO URBAN RESERVE DISTRICT, AND
- RETAIN THE OPTION TO ALLOW REZONING TO MIXED USE MEETING LEED ND STANDARDS, AND
- ADD THE WORD DEVELOPED UNDER SECTION 20.10.555(A) AFTER THE WORD OR.

Motion passed.

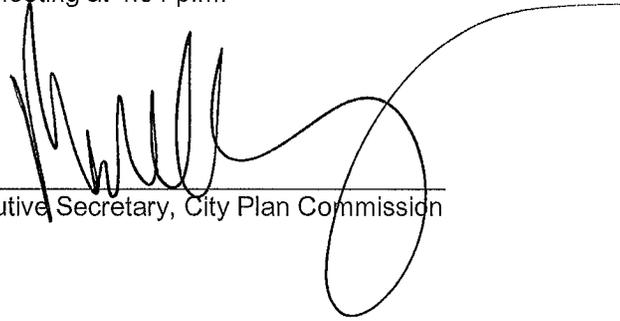
13. Planning Report:
N/A

14. Legal Report:
N/A

ADJOURNMENT:

Motion made by Commissioner Wright, seconded by Commissioner Nance, and unanimously carried to adjourn this meeting at 4:34 p.m.

Approved as to form:

A handwritten signature in black ink, appearing to read 'Mathew McElroy', written over a horizontal line. The signature is stylized and includes a large loop at the end.

Mathew McElroy, Executive Secretary, City Plan Commission