CITY PLAN COMMISSION MEETING
2ND FLOOR CITY COUNCIL CHAMBERS
May 17, 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 Carreto
Commissioner Nance
Commissioner Vorba
Commissioner Brandrup
Commissioner Schauer

COMMISSIONERS ABSENT:
Commissioner Borden
Commissioner Landeros

AGENDA

Commissioner Carreto 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 Carreto, seconded by Commissioner Vorba, and unanimously carried to **APPROVE** the agenda as amended.

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

Motion passed.

. . . . . .

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.

. . . . . .

Items approved, postponed, or deleted pursuant to the **CONSENT AGENDA AND REGULAR AGENDA – DISCUSSION AND ACTION** vote will be shown with an asterisk (*).

II. CONSENT AGENDA

Extension Request to Submit Recording Maps:

1.	**SUSU12-00040:**	The Shops at Cimarron - Being a portion of Tract 1B1, Nellie D. Mundy Survey 242, and Tracts 61D and 62E, W. H. Glenn Survey 241, City of El Paso, El Paso County, Texas
	Location:	East of Resler and South of Northern Pass
	Property Owner:	Hunt Communities Holding, L.P.
	Representative:	CSA Design Group
	District:	1
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Carreto, and unanimously carried to **APPROVE SUSU12-00040.**

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

Motion passed.

. . . . . .

Extension Request to Complete Subdivision Improvements:

2.	**SUSU11-00084:**	Heritage Farms Replat A – Being a replat of all of Heritage Farms Subdivision, City of El Paso, El Paso County, Texas
	Location:	East of Upper Valley Road and South of Gomez Road
	Property Owner:	Societa Intelligente, L.P.
	Representative:	Sitework Engineering, LLC
	District:	1
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

ACTION: Motion made by Commissioner Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00084.**

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

Motion passed.

. . . . . .

III. REGULAR AGENDA - DISCUSSION AND ACTION:

PUBLIC HEARING Detailed Site Development Plan Application:

3.	**PZDS12-00003:**	Lot 1, Block 1, Montana Skilled Nursing Subdivision, an Addition to the City of El Paso, El Paso County, Texas
	Location:	10350 Montana Avenue
	Zoning:	C-4/c & C-2/c (Commercial/Conditions)
	Request:	Detailed Site Plan Review per Ordinance No. 15950, dated November 30, 2004
	Existing Use:	Vacant
	Proposed Use:	Nursing facility and rehabilitation center

Property Owner:	Abdolkarim Saadatkhan
Representative:	Sergio J. Adame
District:	3
Staff Contact:	Michael McElroy, (915)-541-4238, mcelroyms@elpasotexas.gov

Sergio Adame representing the owner 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 Wright, seconded by Commissioner Carreto, and unanimously carried to **APPROVE PZDS12-00003.**

Motion passed.

. . . . . .

Note: Commissioner Wright recused himself and left the meeting room during discussion on this item.

PUBLIC HEARING Special Permit Application:

4.	**PZST12-00004;**	Lots 1 through 4, Block 15, Sunset Heights Subdivision, an addition to the City of El Paso, El Paso County, Texas
	Location:	1207 Los Angeles Drive
	Zoning:	A-3/h (Apartment/Historic)
	Request:	Reduction in front and rear setbacks / infill development
	Existing Use:	Vacant
	Proposed Use:	Apartments
	Property Owner:	Carlos Figueroa
	Representative:	Carlos Figueroa
	District:	8
	Staff Contact:	Michael McElroy, (915)-541-4238, mcelroyms@elpasotexas.gov

Michael McElroy, Planner, noted that there is a revised staff report for this item.

Valorie Figueroa representing Carlos Figueroa concurred with staff's comments.

Ray Marquez, representing Mr. Figueroa, noted that most of the tenants have their dumpsters facing towards the alley, allowing the dumpster truck to be able to go in and out of the alley.

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

- Norma Ballenger noted that the alley is very narrow and most of the time this place is taken by students who park their cars there. She asked that if this request is approved, how long would it take to build these units and asked if any of the streets are going to be closed. She expressed concern about losing tenants for this reason and asked what type of machinery is going to be used because if there is too much vibration it could affect her house.
- Brandy Burmas noted that there's not enough parking spaces and expressed concern about devaluation of her property.
- **Did not state her name,** spoke in opposition to this request and noted that the alley is too narrow and there is not enough parking. She also expressed concern about emergency vehicles not being able to enter and exit through the alley.
- Pat Worthington with the Historical Society noted that there is a problem with parking.

Mr. Etiwe, Development Review Manager, noted that the Fire Department has reviewed this request and has no issues with the proposal. He also noted that the developer meets the parking requirements.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Carreto, and unanimously carried to **APPROVE PZST12-00004.**

Motion passed.

Commissioner Wright returned to the meeting room after discussion on this item.

. . . . . .

***ACTION:** Motion made by Commissioner Carreto, seconded by Commissioner Vorba, and unanimously carried to **HEAR ITEM 8 (SUSU12-00043) AFTER ITEM 4.**

Motion passed.

8.	**SUSU12-00043:**	San Clemente Unit Two Replat "A" – Being a Replat of Lots 2 and 3, Block 5, San Clemente Unit 2, City of El Paso, El Paso County, Texas
	Location:	East of Stanton Street and South of Clemente Avenue
	Property Owners:	Adrian M. Guevara and Carmen Gloria Yamal
	Representative:	Roe Engineering L.C.
	District:	1
	Staff Contact:	Nathaniel Baker, (915) 541-4192, bakernt@elpasotexas.gov

Bradley Roe with Roe 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 Wright, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU12-00043.**

Motion passed.

. . . . . .

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

Major Preliminary:

5.	**SUSU12-00038:**	Strahan Village Estates – Being all of Tract 2D and a Portion of Tract 2G, Block 13 Upper Valley Survey, El Paso County, Texas
	Location:	North of Borderland Road and West of Strahan Road
	Property Owners:	Issa Khlayel & Ahmad Ikhlail
	Representative:	Del Rio Engineering Inc.
	District:	ETJ
	Staff Contact:	Nathaniel Baker, (915) 541-4192, bakernt@elpasotexas.gov

Nate Baker, Planner, noted that there is a revised staff report for this item.

Sal Masoud with Del Rio Engineering concurred with staff's comments.

ACTION: Motion made by Commissioner Wright, seconded by Commissioner De La Cruz, and unanimously carried to **APPROVE SUSU12-00038.**

Motion passed.

. . . . . .

PUBLIC HEARING Resubdivision Combination:

6.	**SUSU12-00019:**	Cimarron Unit 1 Replat A - Being a replat of Lot 25, Block 1, Cimarron Unit 1, City of El Paso, El Paso County, Texas
	Location:	North of Northern Pass and East of Resler Drive
	Property Owners:	Ernesto A. Ochoa & Lluvia Torres
	Representative:	CAD Consulting Co.
	District:	1
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

***ACTION:** Motion made by Commissioner Carreto, seconded by Commissioner Vorba, and unanimously carried to **DELETE SUSU12-00019.**

Motion passed.

. . . . . .

7.	**SUSU12-00030:**	Sageland Elementary School Subdivision – Being all of Lots 1, 2, 3, 4, 5, 6, 7, 8 & 21, Block 17; all of Lots 1 through 24, Block 18; all of Lots 1 through 15, Block 19; the vacated Santa Cruz road right-of-way; and Santa Clara Ct. between La Paz Dr. and Venado Dr. (vacated through this plat); all in the First Revised Map of Sageland Addition, City of El Paso, El Paso County, Texas
	Location:	West of Yarbrough Drive and South of I-10
	Property Owner:	Ysleta Independent School District & Greater Mt. Olive Baptist Church
	Representative:	Huitt-Zollars, Inc.
	District:	3
	Staff Contact:	Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

***ACTION:** Motion made by Commissioner Carreto, seconded by Commissioner Vorba, and unanimously carried to **DELETE SUSU12-00030.**

Motion passed.

. . . . . .

***ACTION:** Motion made by Commissioner Carreto, seconded by Commissioner Vorba, and unanimously carried to **HEAR SURW12-00009 AND SURW12-00010 SIMULTANEOUSLY.**

Motion passed.

PUBLIC HEARING Right-of-Way Vacations- Alley Vacations:

9.	**SURW12-00009:**	Tobin Alley Vacation
	Location:	202 Hardesty
	Property Owner:	City of El Paso
	Representative:	Maria Chaparro
	District:	8
	Staff Contact:	Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

10. **SURW12-00010:** Tobin Alley Vacation
Location: 200 Hardesty
Property Owner: City of El Paso
Representative: Aurora A. Rosales
District: 8
Staff Contact: Raul Garcia, (915) 541-4935, garciar1@elpasotexas.gov

Raul Garcia, Senior Planner, noted that the property owners were sent notification of this public hearing and also noted that the City of El Paso is the property owner.

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 Vorba, and unanimously carried to **APPROVE SURW12-00009 AND SURW12-00010.**

Motion passed.

. . . . . .

Other Business:

11. Discussion and action on the City Plan Commission minutes for:
April 19, 2012

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Brandrup, and unanimously carried to **APPROVE THE CITY PLAN COMMISSION MINUTES FOR APRIL 19, 2012.**

Motion passed.

. . . . . .

***ACTION:** Motion made by Commissioner Carreto, seconded by Commissioner Vorba, and unanimously carried to **HEAR ITEMS 12, 13, AND 14 SIMULTANEOUSLY.**

Motion passed.

12. Discussion and action on an ordinance to amend the City Code to reflect departmental reorganization by amending Title 19 (Subdivisions), to amend various sections thereunder pertaining to the duties that had been assigned to the City Engineer, and the Planning and Economic Development Department, and Staff; the penalty being as provided in Section 19.42.070 of the El Paso City Code.
Staff Contact: Kim Forsyth, (915) 541-4668, forsythkl@elpasotexas.gov

13. Discussion and action on an Ordinance to amend the City Code to reflect departmental reorganization by amending Title 20 (Zoning) to amend various sections thereunder pertaining to the duties that had been assigned to the Planning and Economic Development Department, to correctly identify the new department name; and regarding the duties of the City Engineer; the penalty being as provided in Section 20.24.020 of the El Paso City Code.
Staff Contact: Alex Hoffman, (915) 541-4638, hoffmanap@elpasotexas.gov

14. Discussion and action on an Ordinance to amend the City Code to reflect departmental reorganization by amending Title 21 (Smart Code), to amend Section 21.70.010 to revise the definition of Planning Division to reflect the change of departmental name to the City Development Department; the penalty being as provided in Sections 21.60.010 - 21.60.030 of the El Paso City Code.
Staff Contact: David Coronado, (915) 541-4632, coronadoda@elpasotexas.gov

Kimberly Forsyth, Lead Planner, gave a brief summary of the changes and a power point presentation. She noted that items 12, 13, and 14, are being presented together as they all relate to the departmental reorganization. The Planning and Economic Development Department and the Building Permits and Inspections Division are being combined into a new department which will be called the City Development Department. As a result, various titles including Title 19, 20, and 21 have various name changes of the department as well as the officials. The City Engineer, in some cases, is being changed to Planning Official and in some cases it will be changed to City Engineer or City Development Director or other designee of the City Manager. We will change the Planning & Economic Development Department to City Development Department and define Planning Division as Planning Division of the City Development Department. There are no substantive changes just the names. She clarified that the Engineering Department will still remain and Mr. Alan Shubert will remain as the director.

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 Vorba, and unanimously carried to **APPROVE ITEMS 12, 13, AND 14.**

Motion passed.

. . . . . .

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

Philip Etiwe, Development Review Manager, asked the Commissioners if they would agree to staff providing them a quarterly report. Because of the posting requirement, the cases approved by the Commission will probably not go to City Council for months. Sometimes these cases are delayed at the request of the applicant. He noted that there has not been any City Council action on zoning cases since the last update.

No action was taken.

. . . . . .

16. Legal Report:
Discussion on vesting

Lupe Cuellar, Assistant City Attorney, gave a brief presentation to the Commission and went over a recent 2011 vesting case that concerned a piece of property located in the ETJ. She noted that under Chapter 245 of the Local Government Code a project remains vested from the date the first permit or application for the project was submitted as long as it remains the same project and as long as it does not become dormant. When the project does not show progress for at least five years then it becomes dormant and loses its vesting. She noted that this is the most recent Texas case and discussed some of the facts of the case and answered questions from the Commission.

No action was taken.

. . . . . .

ADJOURNMENT:

Motion made by Commissioner Wright, seconded by Commissioner Carreto, and unanimously carried to adjourn this meeting at 2:50 p.m.

Approved as to form:

Mathew McElroy, Executive Secretary, City Plan Commission