



**CITY PLAN COMMISSION MEETING
2ND FLOOR CITY COUNCIL CHAMBERS
MAY 19, 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 Vandivort present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:

Commissioner De La Cruz
Commissioner Nance
Commissioner Wright
Commissioner Vandivort
Commissioner Carreto
Commissioner Brandrup
Commissioner Vorba

COMMISSIONERS ABSENT:

Commissioner Borden
Commissioner Landeros

AGENDA

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

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.
.....

II. CONSENT AGENDA

THERE WERE NO ITEMS ON THE CONSENT AGENDA.

.....

III. REGULAR AGENDA - DISCUSSION AND ACTION:

1. Planning Report: Report on Park Pond.
Staff Contact: Alan Shubert, (915) 541-4428, shubertar@elpasotexas.gov

Alan Shubert, Director for the Engineering Department, gave a brief presentation on park ponds. He noted that the intent is to identify opportunities for expanded use of park ponds, evaluate existing park ponds, conduct an initial assessment and consider the next steps to take. He named a few of the existing park ponds. Under the initial assessment, staff is trying to get more incentives to get people to build more park ponds. Staff is also looking at the drainage standards and the goal of the drainage system is to maintain pre-development runoff characteristics of land after development. He answered questions from the Commission.

No action was taken.

.....

SUBDIVISION MAP APPROVAL:

Subdivision Applications:

Major Final:

2. **SUSU11-00031:** Emerald Pass Unit 1- Being a portion of Section 22, Block 79, Township 3, Texas and Pacific Railway Company, El Paso County, Texas
Location: South of Eastlake Boulevard and West of Emerald Park Drive
Property Owner: Hunt Emeralds, LLC
Representative: Gray Jansing & Associates, Inc.
District: Eastern ETJ
Staff Contact: Raul Garcia, (915) 541-4935, garcia1@elpasotexas.gov

Raul Garcia, Planner, noted that the applicant is proposing 138 single-family residential lots with the smallest lot measuring 4,707 square feet in size and primary access off of Eastlake Boulevard. The development will also include a 10-foot wide linear open space lot and 1.5 acre ponding area. The linear open space lot will include concrete benches, rock screening, Arizona Ash tees, and will serve as a buffer between the abutting lots and the adjacent Emerald Sands Drive. The applicant is also dedicating ten feet of right-of-way to Eastlake Boulevard.

Miriam Spencer from the Department of Transportation stated that the County has noted that with the dedication, this easement can support traffic generated by the subdivision, therefore, they are recommending approval of this request.

Linda Troncoso with Gray Jansing & Associates noted that one of the comments from staff is that they coordinate with the Department of Transportation regarding landscaping.

Lupe Cuellar, Assistant City Attorney, recommended coordination still be done with the El Paso Department of Transportation and the County.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Carreto, and carried to **APPROVE SUSU11-00031 WITH THE EXCEPTION TO ALLOW FOR A MODIFIED CROSS-SECTION ALONG EMERALD PASS AVENUE; WITH THE RECOMMENDATION THAT THE APPLICANT LANDSCAPE THE PARKWAY AREA ON EASTLAKE BOULEVARD AND EMERALD PASS AVENUE; AND WITH THE RECOMMENDATION THAT A BIKE LANE BE PROVIDED ON EASTLAKE BOULEVARD, AS SHOWN ON THE CITY OF EL PASO'S BIKE PLAN.**

AYES: Commissioner De La Cruz, Nance, Carreto, Brandrup, and Vorba
NOT PRESENT FOR THE VOTE: Commissioner Wright
ABSENT: Commissioner Borden, and Landeros

Motion passed.

.....

3. SUSU11-00032: Peyton Pass Unit One - Being a portion of C.D. Stewart Survey No. 319, El Paso County, Texas
Location: South of Eastlake Boulevard and East of Emerald Sands Drive
Property Owner: Hunt Peyton Estates, LLC
Representative: Gray Jansing & Associates, Inc.
District: Eastern ETJ
Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

Robert Romero with Gray Jansing & Associates concurred with staff's comments.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner Vorba, and unanimously carried to **APPROVE SUSU11-00032 WITH THE CONDITION THAT THE APPLICANT LANDSCAPE THE PARKWAY AREA ON EASTLAKE BOULEVARD AND EMERALD PASS AVENUE. IF LANDSCAPING IS REQUIRED, THAT THE CONDITION BE COORDINATED WITH THE EL PASO DEPARTMENT OF TRANSPORTATION WHERE IT CONFLICTS WITH SITE VISIBILITY STANDARDS, UTILITIES, AND PARKWAY ILLUMINATION. FOR THE TYPE OF LANDSCAPING, STAFF RECOMMENDS THE DEVELOPER SELECT TREES DESIGNATED AS MEDIAN/STREET/RIGHT-OF-WAY APPROPRIATE FROM THE CITY'S PLANT AND TREE LIST, TO BE PLACED 30-FEET ON CENTERS.**

Motion passed.

.....

Major Preliminary:

4. SUSU11-00036: 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, Texas
Location: West of Rich Beem Boulevard and South of Pebble Hills Boulevard
Property Owner: G&F, LLC
Representative: CEA Group
District: 6
Staff Contact: Kevin Smith, (915) 541-4903, smithkw@elpasotexas.gov

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

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to **APPROVE SUSU11-00036 WITH GENERAL MODIFICATION 19.04.070.A.3 OF THE CITY CODE AND THAT VENTANAS UNIT THREE AND TIERRA DEL ESTE UNIT 56 REPLAT A BE RECORDED PRIOR TO RECORDING VENTANAS SUBDIVISION UNIT FOUR TO PROVIDE ADEQUATE ACCESS.**

Motion passed.

.....

5. **SUSU11-00037:** Peyton Pass Commercial - Being a portion of C.D. Stewart Survey No. 319, El Paso County, Texas
Location: South of Eastlake Boulevard and East of Peyton Drive
Property Owner: Hunt Peyton Estates, LLC
Representative: Gray Jansing & Associates, Inc.
District: Eastern ETJ
Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE SUSU11-00037 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF JUNE 2, 2011.**

Motion passed.

.....

Major Combination:

6. **SUSU11-00030:** Emerald Pass Commercial Unit One - Being a portion of Section 22, Block 79, Township 3, Texas and Pacific Railway Company, El Paso County, Texas
Location: South of Eastlake Boulevard and West of Emerald Park Drive
Property Owner: Texas General Land Office & Hunt Communities Holdings, LLC
Representative: Gray Jansing & Associates
District: Eastern ETJ
Staff Contact: Frank Delgado, (915) 541-4238, delgadofx@elpasotexas.gov

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE SUSU11-00030 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF JUNE 2, 2011.**

Motion passed.

.....

PUBLIC HEARING Resubdivision Combination:

7. **SUSU11-00027:** Tierra Del Este Unit Fifty Six Replat A – Being a replat of a portion of Rich Beem Boulevard, Tierra Del Este Unit Fifty Six, City of El Paso, El Paso County, Texas
Location: North of Montwood Drive at Rich Beem Boulevard
Property Owner: Ranchos Real XII, LTD & GFA Limited Partnership
Representative: Conde, Inc.
District: 5 & 6
Staff Contact: Justin Bass, (915) 541-4930, bassid@elpasotexas.gov

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **DELETE SUSU11-00027.**

Motion passed.

.....
***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **HEAR ITEMS 8, 20, AND 21 SIMULTANEOUSLY.**

Motion passed.

PUBLIC HEARING Rezoning Applications:

8. **PZRZ11-00012:** Tract, 5, Block 14, Upper Valley Survey, City of El Paso, El Paso County, Texas
Location: North of Borderland Road and West of Westside Drive
Zoning: R-2 (Residential)
Request: From R-2 (Residential) to G-MU (General Mixed Use)
Existing Use: Vacant
Proposed Use: Single-family, Multi-family and Commercial
Property Owner: Rio Valley, LLC
Representative: Summit Engineering, LLC
District: 1
Staff Contact: Arturo Rubio, (915) 541-4633, rubioax@elpasotexas.gov

Art Rubio, Planner, noted that staff received 21 e-mails and two phone calls in opposition to the rezoning request. The opposition was primary on density.

ACTION: Motion made by Commissioner Carreto, seconded by Commissioner Nance, and carried to **DENY PZRZ11-00012.**

AYES: Commissioner Nance, Wright, Carreto, and Brandrup

NAYS: Commissioner De La Cruz, and Vorba

ABSENT: Commissioner Borden, and Landeros

Motion passed.

Note: Commissioner Carreto left the meeting after discussion on items 8, 20, and 21.
.....

9. **PZRZ11-00011** Lots 16, 17, 18 and 19, Block 2, Hughes Subdivision, City of El Paso, El Paso County, Texas
Location: 5625 Frutas Avenue
Zoning: R-5 (Residential)
Request: From R-5 (Residential) to S-D (Special Development)
Existing Use: Storage Yard
Proposed Use: Office
Property Owner: Ponce Rentals Property, LLC
Representative: Luis Lopez
District: 3
Staff Contact: Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Javier Lopez representing the applicant concurred with staff's comments.

Commissioner Vandivort 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 De La Cruz, seconded by Commissioner Nance, and carried to **APPROVE PZRZ11-00011.**

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

NOT PRESENT FOR THE VOTE: Commissioner Carreto

ABSENT: Commissioner Borden, and Landeros

Motion passed.

.....
PUBLIC HEARING Detailed Site Development Plan Applications:

10. **PZDS11-00005:** Lot 1A, Block 3, Keystone Business Park, Replat "A", City of El Paso, El Paso County, Texas
Location: 4508 Osborne Drive
Zoning: C-4/sc (Commercial/special contract)
Request: Detailed Site Development Plan Review per Ordinance No. 008929
Existing Use: Vacant
Proposed Use: Office and Storage for Cleaning Business
Property Owner: Kasag, LLC
Representative: SMS Architects, James K. Suerken, RA
District: 8
Staff Contact: Geena Maskey, (915)-541-4192, maskeyga@elpasotexas.gov

James Suerken concurred with staff's comments.

Commissioner Vandivort 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 Nance, seconded by Commissioner Vorba, and carried to **APPROVE PZDS11-00005.**

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

NOT PRESENT FOR THE VOTE: Commissioner Carreto

ABSENT: Commissioner Borden, and Landeros

Motion passed.

.....
PUBLIC HEARING Special Permit Applications:

11. **PZST11-00005:** Lot 39, Block 1, Alexander Addition to Ysleta, City of El Paso, El Paso County, Texas
Location: 461 Gonzales Street
Zoning: R-4 (Residential)
Request: Infill Development (Lot width and lot size reduction)
Existing Use: Vacant
Proposed Use: Duplex
Property Owner: Javier Martinez
Representative: Javier Martinez
District: 6
Staff Contact: Geena Maskey, (915)-541-4192, maskeyga@elpasotexas.gov

Javier Lopez, representing the owner, concurred with staff's comments.

Commissioner Vandivort 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 De La Cruz, seconded by Commissioner Nance, and carried to **APPROVE PZST11-00005.**

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

NOT PRESENT FOR THE VOTE: Commissioner Carreto

ABSENT: Commissioner Borden, and Landeros

Motion passed.

.....

12. **ZON10-00046:** Lot 28, and the East 15 feet of Lot 27, Block 82, Franklin Heights, City of El Paso, El Paso County, Texas

 Location: 1317 E. Rio Grande Avenue

 Zoning: A-2 (Apartment)

 Request: Special Permit and Detailed Site Development Plan Review to allow a Professional Office and 100% parking reduction, Infill Development to allow reduced yard setbacks

 Existing Use: Office

 Proposed Use: Professional Office

 Property Owner: Oficina Legal del Pueblo Unido, Inc.

 Representative: Paso Del Norte Civil Rights Project

 District: 8

 Staff Contact: Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

Esther Guerrero, Planner, noted that the Department of Transportation has stated some stipulations as part of the approval. She also noted that they did have a handicap stall but it did not meet the requirements so they must vacate the driveway and the handicap stall. They will bring the curb up to city standards and the sidewalk. The parking study verified by the Traffic Department shows there is sufficient on street parking, especially during peak hours.

Christopher Benoit concurred with staff's comments.

Mirian Spencer with the Department of Transportation noted that she did an on site inspection and the alley is paved but not to city standards.

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

Anastacio Apodaca spoke in opposition to the request.

1ST MOTION:

ACTION: Motion made by Commissioner Wright to **APPROVE ZON10-00046 WITH THE MODIFICATION THAT WHATEVER PARKING IS AVAILABLE IN THE ALLEY BE USED AND THE ALLEY NOT BE PAVED.**

Motion failed for lack of a second.

2ND MOTION:

ACTION: Motion made by Commission Nance, seconded by Commissione Vorba, and carried to **APPROVE ZON10-00046.**

AYES: Commissioner De La Cruz, Nance, Brandrup, and Vorba
NAYS: Commissioner Wright
NOT PRESENT FOR THE VOTE: Commissioner Carreto
ABSENT: Commissioner Borden, and Landeros

Motion passed.

.....

13. **PZST11-00003:** Tract 12B, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas
Location: 4051 Emory Road
Zoning: R-3 (Residential)
Request: Special Permit and Detailed Site Development Plan Review to allow Infill Development
Existing Use: Single-family structure, vacant
Proposed Use: Three single-family residential lots with reduced yard setbacks
Property Owner: Jaime Holguin
Representative: Dorado Engineering
District: 8
Staff Contact: Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **POSTPONE PZST11-00003 FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF JUNE 2, 2011.**

Motion passed.

.....

14. **PZST11-00004:** Lot M, Block 45, Mills Addition, City of El Paso, El Paso County, Texas
Location: 311 W. Paisano Drive
Zoning: U-P (Union Plaza)
Request: Special Permit request per proposed use on U-P (Union Plaza)
Existing Use: Vacant
Proposed Use: Convenience Store with Gas Pumps
Property Owner: Enrique Guajardo
Representative: Luis J. Lopez
District: 8
Staff Contact: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Javier Lopez, representing the owner, concurred with staff's comments.

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

Gilbert Guillen spoke in favor of the request.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and carried to **APPROVE PZST11-00004.**

AYES: Commissioner De La Cruz, Nance, Brandrup, and Vorba
NAYS: Commissioner Wright
NOT PRESENT FOR THE VOTE: Commissioner Carreto
ABSENT: Commissioner Borden, and Landeros

Motion passed.

.....
Other Business:

15. Discussion and action on the City Plan Commission minutes of:
May 5, 2011

This item will be reconsidered at the next City Plan Commission meeting.
.....

16. Discussion and action to elect a new-chair.

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Wright, and carried to **NOMINATE COMMISSIONER NANCE AS SECOND VICE-CHAIR.**

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

NOT PRESENT FOR THE VOTE: Commissioner Carreto

ABSENT: Commissioner Borden, and Landeros

Motion passed.

17. Discussion and action on an Ordinance amending Title 19 (Subdivisions), Chapter 19.20 (Parks and Open Space), Section 19.20.060 (Exclusions from Dedication Requirements) and Chapter 19.26 (Alternative Subdivision/Smart Code Designs), Section 19.26.020 (Infill Development) of the El Paso City Code to allow for certain exclusions from the parkland dedication requirements for certain replats meeting specific criteria and to allow for the reduction of park fees on certain infill developments and adding an appendix to designate the reduction of such fees. The penalty is as provided for in Section 19.42 of the El Paso City Code.

Staff Contact: Justin Bass, (915) 541-4930, bassjd@elpasotexas.gov

Justin Bass gave a brief presentation noting that the city is trying to incentivize redevelopment of skipped over parcels and one way to do that is by reducing park fees. Staff does not want to reduce park fees but to get a recommendation of approval from the Commission with some language that would give recommendation to City Council to find other funds to begin to provide necessary amenities in this core area.

Richard Garcia with Parks and Recreation noted that most of the properties that are being acquired for parks through joint use agreements with the schools. He also noted that most of the funds are being used for capital improvements. He would recommend staff get together with the consultants and try and match the incentives for the central park zone.

Commissioner Vandivort 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 carried to **APPROVE AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.20 (PARKS AND OPEN SPACE), SECTION 19.20.060 (EXCLUSIONS FROM DEDICATION REQUIREMENTS) AND CHAPTER 19.26 (ALTERNATIVE SUBDIVISION/SMART CODE DESIGNS), SECTION 19.26.020 (INFILL DEVELOPMENT) OF THE EL PASO CITY CODE TO ALLOW FOR CERTAIN EXCLUSIONS FROM THE PARKLAND DEDICATION REQUIREMENTS FOR CERTAIN REPLATS MEETING SPECIFIC CRITERIA AND TO ALLOW FOR THE REDUCTION OF PARK FEES ON CERTAIN INFILL DEVELOPMENTS AND ADDING AN APPENDIX TO DESIGNATE THE REDUCTION OF SUCH FEES. THE PENALTY IS AS PROVIDED FOR IN SECTION 19.42 OF THE EL PASO CITY CODE WITH THE**

SUGGESTION THAT OTHER FUNDS NEED TO BE FOUND TO DEVELOP PARKS IN ORDER TO MAKE THIS PART OF TOWN VIABLE FOR DEVELOPMENT.

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

NOT PRESENT FOR THE VOTE: Commissioner Carreto

ABSENT: Commissioner Borden, and Landeros

Motion passed.

-
18. An Ordinance annexing the following real property described as a portion of Sections 37 and 48, Block 79, Sections 7 & 18, Block 78, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas. Property Owner: Ranchos Real IV, LTD. AN10-003 (ZON10-00075) (East ETJ)
Staff Contact: Ernesto Arriola (915) 541-4723, arriolaea@elpasotexas.gov

Ernie Arriola, Planner, gave a brief presentation on this item.

Commissioner Vandivort 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 carried to **APPROVE AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF SECTIONS 37 AND 48, BLOCK 79, SECTIONS 7 & 18, BLOCK 78, TOWNSHIP 2, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS. PROPERTY OWNER: RANCHOS REAL IV, LTD. AN10-003 (ZON10-00075) (EAST ETJ)**

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

NOT PRESENT FOR THE VOTE: Commissioner Carreto

ABSENT: Commissioner Borden, and Landeros

Motion passed.

-
19. Discussion and action on an Ordinance amending Title 20 (Zoning), Chapter 20.02 (General) Provisions and Definitions), Chapter 20.10 (Supplemental Use Regulations), Appendix A (Table of Permissible Uses) and Table C (Minimum Parking) of the El Paso City Code to add a definition for Boarding Home Facilities and add standards for Boarding Home Facilities and amend definitions for certain personal care facilities and clarify standards for personal care facilities. 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

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and carried to **POSTPONE FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF JUNE 2, 2011, AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL) PROVISIONS AND DEFINITIONS), CHAPTER 20.10 (SUPPLEMENTAL USE REGULATIONS), APPENDIX A (TABLE OF PERMISSIBLE USES) AND TABLE C (MINIMUM PARKING) OF THE EL PASO CITY CODE TO ADD A DEFINITION FOR BOARDING HOME FACILITIES AND ADD STANDARDS FOR BOARDING HOME FACILITIES AND AMEND DEFINITIONS FOR CERTAIN PERSONAL CARE FACILITIES AND CLARIFY STANDARDS FOR PERSONAL CARE FACILITIES. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE**

AYES: Commissioner De La Cruz, Nance, Wright, Brandrup, and Vorba
NOT PRESENT FOR THE VOTE: Commissioner Carreto
ABSENT: Commissioner Borden, and Landeros

Motion passed.
.....

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **HEAR ITEMS 8, 20, AND 21 SIMULTANEOUSLY.**

Motion passed.

20. Discussion and action on an amendment to the development agreement dated May 8, 2007, between the City, the El Paso Water Utility PSB and Rio Valley LLC.
Staff Contact: Kimberly Forsyth, (915)-541-4668, forsythkl@elpasotexas.gov

Kimberly Forsyth, Lead Planner, noted that the reason this Development Agreement is coming forward for revision is because of the rezoning request from the applicant. The Development Agreement is proposed for the following four major revisions.

- Planning - proposed zoning and development
- Parks - parkland dedication/park fees for adjacent subdivision
- DOT - dedication and improvement of ROW
- EPWU - utility facilities, water rights agreement

She noted the following changes:

- Section Seven, the only change is that zoning would not be R-2 any longer but General Mixed Use.
- Section Eight, the owner shall not be required to dedicate parkland or pay park fees, other than what is required under the Subdivision Code.
- Section Nine, which required that the owner impose restrictive covenants on the property to avoid a homogenous will be deleted because the Development Plan for the GMU avoids the homogenous look.
- Section 15, the agreement would be extended to seven (7) years instead of five (5) years.
- Section Sixteen, instead of dedicating only the right-of-way the owner would be required to dedicate eighteen feet on Borderland, thirty-six (36) on West Side Road and would be expected to improve it in accordance with the subdivision requirements.
- Section Seventeen, some language changes were made concerning water mains and facilities which the PSB requested.

ACTION: Motion made by Commissioner Carreto, seconded by Commissioner Nance, and carried to **DENY AN AMENDMENT TO THE DEVELOPMENT AGREEMENT DATED MAY 8, 2007, BETWEEN THE CITY, THE EL PASO WATER UTILITY PSB, AND RIO VALLEY LLC.**

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

Motion passed.
.....

***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **HEAR ITEMS 8, 20, AND 21 SIMULTANEOUSLY.**

Motion passed.

21. Discussion and action on an amendment to the development agreement dated January 23, 2007, between the City, the El Paso Water Utility PSB, El Paso Jamas, LTD and B.A.R. Construction, Inc.
Staff Contact: Kimberly Forsyth, (915)-541-4668, forsythkl@elpasotexas.gov

Kimberly Forsyth, gave a brief power point presentation and noted that the adjacent development, known as the Jamas Development, was approved in 2007. This subdivision has been extended seven times due to FEMA issues. The only major proposed revision to this proposed development concerns only the parkland requirements. The change to this is that they will no longer be receiving fees from the adjacent development. They will develop their own park according to the subdivision plans and have extended their term to ten (10) years. She noted that the owners have agreed to these changes.

Richard Garcia with Parks and Recreation Department noted that Rio Valley is changing their plan and will be providing a park that will include the minimal improvements which include a play structure.

Lupe Cuellar, Assistant City Attorney, noted that under the provision being approved today for the Jamas Agreement, they will still be providing the parkland and the minimal improvements which still would not include a park structure because they are vested under the old code. Under the Rio Valley Agreement, instead of providing the park fees to Jamas so that improvements could be made, they will be using that money to develop their own park . Since they are not vested they have to comply with the provisions under the new code which now requires play structures.

Scott Winton with the Winton Group concurred with staff's comments and gave a brief power point presentation.

Commissioner Brandrup requested to add language for Mixed Use Development under Section Nine.

Commissioner Vandivort 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 this request.

- Todd Marler, and
- Mary Francis Keasling representing four Neighborhood Associations

1ST MOTION:

ACTION: Motion made by Commissioner Carreto, seconded by Commissioner Nance, and carried to **DENY AN AMENDMENT TO THE DEVELOPMENT AGREEMENT DATED MAY 8, 2007, BETWEEN THE CITY, THE EL PASO WATER UTILITY PSB AND RIO VALLEY LLC.**

AYES: Commissioner Nance, Wright, Carreto, and Brandrup

NAYS: Commissioner De La Cruz, and Vorba

ABSENT: Commissioner Borden, and Landeros

Motion passed.

2ND MOTION:

ACTION: Motion made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried **TO ALLOW COMMISSIONER DE LA CRUZ, TO SUBMIT A MINORITY REPORT TO CITY COUNCIL.**

Motion passed.

.....
***ACTION:** Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and unanimously carried to **MOVE ITEM 22 TO THE FOREFRONT, TO BE HEARD AFTER ITEM 1.**

Motion passed.

- 22. An Ordinance amending Title 18 (Building and Construction), Chapter 18.46 (Landscape) of the El Paso City Code to modify and add additional definitions, to modify the lands capable area, to require parkway and frontage area landscaping to modify the required plant units and parking lot trees, and to add provisions for street trees. The penalty being as provided in Section 18.46.180 (Violations – Penalty) of the El Paso City Code.
Staff Contact: Fred Lopez, (915) 541-4322, lopezar@elpasotexas.gov

Fred Lopez, Comprehensive Plan Manager, gave a quick summary of some of the proposed changes to Chapter 18.46 (Landscape).

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

Mr. Shubert addressed how to use lands capable area for water retention.

Richard Williams asked if PSB has had a chance to study these recommendations and validate that the water requirements looking forward to the city's growth are acceptable in this ordinance.

Mr. McElroy noted that they have been reviewed by the PSB and they have not provided any negative comments and are not opposing any of the proposed changes.

ACTION: Motion was made by Commissioner De La Cruz, seconded by Commissioner Nance, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.46 (LANDSCAPE) OF THE EL PASO CITY CODE TO MODIFY AND ADD ADDITIONAL DEFINITIONS, TO MODIFY THE LANDSCAPABLE AREA, TO REQUIRE PARKWAY AND FRONTAGE AREA LANDSCAPING TO MODIFY THE REQUIRED PLANT UNITS AND PARKING LOT TREES, AND TO ADD PROVISIONS FOR STREET TREES. THE PENALTY BEING AS PROVIDED IN SECTION 18.46.180 (VIOLATIONS – PENALTY) OF THE EL PASO CITY CODE WITH CREDIT FOR POLES UP TO 10% OF THE REQUIRED FIVE GALLON PLANT MATERIAL.**

Motion passed.

- 23. An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions), and Chapter 20.18 (Sign Regulations), Sections 20.18.050 (Definitions), and Chapter 20.18.400 (General) and Section 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 and M-3 Districts) of the El Paso City Code to modify definitions related to signs, to modify monument and pole sign regulations, and to modify wall sign regulations. The penalty is as provided in Section 20.24 of the El Paso City Code.
Staff Contact: Fred Lopez, (915) 541-4322, lopezar@elpasotexas.gov

Fred Lopez, Comprehensive Plan Manager, highlighted some of the proposed amendments. Staff is proposing to make the pole and monument signs the same so everyone would have to follow the same standards as the existing pole sign standards.

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

Richard Williams asked for justification as to why this item has to be resolved today. He requested additional time to clearly understand the definition of shopping centers.

Fred Lopez will meet with Mr. Williams prior to this item going to City Council to resolve this issue.

ACTION: Motion made by Commissioner Nance, seconded by Commissioner De La Cruz, and carried to **APPROVE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), AND CHAPTER 20.18 (SIGN REGULATIONS), SECTIONS 20.18.050 (DEFINITIONS), AND CHAPTER 20.18.400 (GENERAL) AND SECTION 20.18.450 (C-2, C-3, C-4, Q, M-1, M-2 AND M-3 DISTRICTS) OF THE EL PASO CITY CODE TO MODIFY DEFINITIONS RELATED TO SIGNS, TO MODIFY MONUMENT AND POLE SIGN REGULATIONS, AND TO MODIFY WALL SIGN REGULATIONS. THE PENALTY IS AS PROVIDED IN SECTION 20.24 OF THE EL PASO CITY CODE SUBJECT TO THE DEFINITION OF SHOPPING CENTERS BEING CLEARLY DEFINED AND ADDRESSED PRIOR TO CITY COUNCIL TAKING ACTION.**

Motion passed.

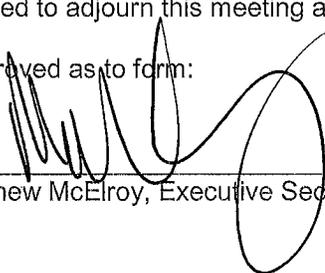
.....
24. Planning Report:
N/A

.....
25. Legal Report:
N/A

.....
ADJOURNMENT:

Motion made by Commissioner Nance, seconded by Commissioner Wright, and unanimously carried to adjourn this meeting at 5:05 p.m.

Approved as to form:



Mathew McElroy, Executive Secretary, City Plan Commission