CITY PLAN COMMISSION MEETING
1ST FLOOR CITY COUNCIL CHAMBERS
SEPTEMBER 25, 2014
1:30 P.M.

MINUTES

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

The meeting was called to order at 1:32 p.m. Commissioner Wright present and presiding and the following Commissioners answered roll call.

COMMISSIONERS PRESENT:
Commissioner Loweree
Commissioner Brannon
Commissioner Wright
Commissioner Amoriello
Commissioner Ardovino
Commissioner Madrid

COMMISSIONERS ABSENT:
Commissioner Erickson
Commissioner Grambling
Commissioner Landeros

AGENDA

Commissioner Brannon read the rules into the record. David Coronado, City Development Program Manager, read the revisions to the agenda into the record.

***ACTION: WITHOUT OBJECTION, THE CITY PLAN COMMISSION AGENDA WAS APPROVED AS AMENDED.**

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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 UNDER THE CONSENT AGENDA.

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III. REGULAR AGENDA - DISCUSSION AND ACTION:

Subdivision Applications:

SUBDIVISION MAP APPROVAL:

NOTICE TO THE PUBLIC AND APPLICANTS:

The staff report for an agenda item may include conditions, exceptions, or modifications. The Commission's motion to approve an item in accordance with the staff report or with all staff comments means that any modifications, waivers, exceptions requested by the applicant and recommended for approval by staff and any staff recommended conditions, have been approved, without necessitating that the Commission restate the modifications, exceptions, waivers, or conditions as part of the motion to approve and that any findings required to be made by the Commission, have been made. If the Commission does not wish to approve an exception or modification, or require a condition, then the Commission's motion will state which have not been approved, otherwise, the staff report, with all modifications, exceptions and conditions, is approved and the applicant shall comply with all provisions of the staff report.

Major Preliminary:

1.	**SUSU14-00084:**	Sky View Estates - *Parcel 1:* South ½ of the Southwest ¼ of the Northwest ¼ of Section 18, Block 79, Township 3, Texas and Pacific Railway Company Surveys; *Parcel 2:* South ½ of the Southeast ¼ of the Northwest ¼ and the South ½ of the North ½ Southeast ¼ of the Northwest ¼, Section 18, Block 79, Township 3, Texas and Pacific Railway Company Surveys; *Parcel 3:* South 655 feet of the Northeast ¼ Section 18, Block 79, Township 3, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
	Location:	East of Joe Battle and South of Pellicano
	Property Owner:	DVEP Land
	Representative:	Del Rio Engineering
	District:	ETJ
	Staff Contact:	Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

Alfredo Austin, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant proposes to subdivide 89.8468 acres of vacant land for 434 single-family residential lots and 2 parks. Access to the subdivision will be from Aviation and Aircoupe. . This subdivision is being reviewed under the current subdivision code. Staff recommends approval of Sky View Estates subdivision on a major preliminary basis with the condition for *landscaping on the double frontage lots.*

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

Kimberly Forsyth, Lead Planner, noted that on the initial review, the park on the west is within the path of annexation but the park to the east is not within the path of annexation and would require further coordination with the Parks Department. This information will be provided prior to the submittal of the final review. Improvement plans will need to be submitted for the portion that's within the path of annexation. She noted that this subdivision provides options for future connectivity.

ACTION: Motion made by Commissioner Ardovino, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE SUSU14-00084.**

Motion passed.

2. **SUSU14-00086:** Morningside at Mission Ridge Unit Two– A portion of Section No. 20, Block 79, Township 3, Texas and Pacific Railway Company Survey, El Paso County, Texas

Location: East of Darrington and North of Paseo Del Este
Property Owner: State of Texas General Land Office
Representative: TRE & Associates, LLC
District: East ETJ
Staff Contact: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov

Nelson Ortiz, Planner, gave a presentation and noted that the applicant proposes to subdivide approximately 35 acres of vacant land for 188 single-family residential lots ranging between 4,959 to 12,763 square feet. A storm water pond is also included within the development and a park is proposed within the adjacent subdivision. Access to the subdivision is proposed from Paseo De Suerte Drive. The development is vested and is being reviewed under the former subdivision code. Staff recommends approval of Morningside at Mission Ridge Unit Two subject to the following condition: *That roadway improvements for Morningside at Mission Ridge Unit One be completed prior to the filing of this plat.*

Sergio Delgado with TRE & Associates concurred with staff's comments.

ACTION: Motion made by Commissioner Ardovino, seconded by Commissioner Brannon, and unanimously carried to **APPROVE SUSU14-00086.**

Motion passed.

Major Combination:

3. **SUSU14-00068:** West Desert Market Place - Tracts 6 and 10, S. A. & M.G. RY. Co. Surveys No. 226, and portion of Edgar Road, City of El Paso, El Paso County, Texas

Location: West of I-10 and South of Montoya
Property Owner: Prime Desert Properties
Representative: Quantum Engineering
District: 1
Staff Contact: Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

***ACTION: WITHOUT OBJECTION SUSU14-00068 WAS POSTPONED FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF OCTOBER 9, 2014.**

Motion passed.

PUBLIC HEARING Resubdivision Combination:

4. **SUSU14-00074:** Vista Del Prado Unit Three Replat A– All of Lots 21, 22 and 23, Block 11, Vista Del Prado Unit Three, City of El Paso, El Paso County, Texas

Location: South of Americas and West of Alameda
Property Owners: Juana Contreras, Anabel Salazar and Francisco and Luz Arrieta
Representative: CAD Consulting Company
District: 6
Staff Contact: Nelson Ortiz, (915) 212-1606, ortiznx@elpasotexas.gov

Nelson Ortiz, Planner, gave a presentation and noted that the applicant proposes to subdivide approximately 1 acre of land. The development currently consists of three residential lots and the purpose for this replat is to move lot lines between the lots. Access to the subdivision will continue from Naomi Drive. This development was reviewed under the current subdivision code. Staff did not receive any phone calls or letters in support or in opposition to the request. Staff recommends approval of Vista Del Prado Unit Three Replat A on a Resubdivision Combination basis.

Enrique Ayala with CAD Consulting concurred with staff's comments.

Commissioner Wright 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 Brannon, seconded by Commissioner Madrid, and unanimously carried to **APPROVE SUSU14-00074.**

Motion passed.

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5.	**SUSU14-00083:**	Homestead Meadows Unit 3 Replat B - Lot 1, Block 23, Homestead Meadows Unit 3, an addition to the County, County of El Paso, Texas
	Location:	West of Krag and South of Bradley
	Property Owner:	Mario Garcia
	Representative:	SER Group
	District:	ETJ
	Staff Contact:	Alfredo Austin, (915) 212-1604, austinaj@elpasotexas.gov

Alfredo Austin, Planner, gave a presentation and noted that there is a revised staff report for this item. The applicant proposes to replat 5.0428 acres of land into 10 single family residential lots. Access to the subdivision is proposed from Krag Street and Simpson Road. This development is being reviewed under the current subdivision ordinance. The applicant is requesting a waiver of ROW street improvements and an exception for lots to access arterial streets. The applicant has provided proof that the county will not require sidewalk, landscape, roadway improvements or additional ROW along Simpson Road or Krag Street. Additionally, the County does not object to providing access from Krag Street. Staff recommends approval of Homestead Meadows Unit 3 Replat B on a Resubdivision combination basis.

Sergio Castillo with SER Group concurred with staff's comments.

Commissioner Wright 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 Brannon, seconded by Commissioner Ardovino, and unanimously carried to **APPROVE SUSU14-00083.**

Motion passed.

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III. REGULAR AGENDA - DISCUSSION AND ACTION:

PUBLIC HEARING Rezoning Applications:

6.	**PZRZ14-00037:**	Tract 3-A, a portion of Tract 4A, all of Tract 4-E and 4-E-1, Block 39, Ysleta Grant, City of El Paso, El Paso County, Texas
	Location:	133, 139, and 153 Snelson Drive

Zoning:	R-F (Ranch and Farm) and R-4 (Residential)
Request:	From R-F (Ranch and Farm) and R-4 (Residential) to C-1 (Commercial)
Existing Use:	Vacant
Proposed Use:	Adult day care center and apartments
Property Owner:	Rosa Padilla
Representative:	Ray Mancera
District:	6
Staff Contact:	Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

1ST MOTION:
***ACTION: WITHOUT OBJECTION PZRZ14-00037 WAS POSTPONED FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF OCTOBER 9, 2014.**

Motion passed.

Mr. Ray Mancera requested that the commission reconsider this item and allow the applicant an opportunity to address the commission.

Carlos Gallinar, Deputy Director for City Development, noted that staff prefers that this item be postponed for two (2) weeks. Since this item was postponed at the beginning of the meeting, staff from the Department of Transportation is no longer present to defend their point of view and members of the public who might have had a comment are also not present.

Karla Nieman, Assistant City Attorney, noted that the commission could make a motion to suspend the rules and allow the applicant an opportunity to speak or the commission may make a motion to reconsider the item.

2ND MOTION:
ACTION: Motion made by Commissioner Madrid, seconded by Commissioner Brannon, and unanimously carried to **SUSPEND THE RULES AND ALLOW THE APPLICANT AN OPPORTUNITY TO PRESENT HIS CASE.**

Motion passed.

Mr. Ray Mancera addressed the commission and thanked them for the opportunity to present the case. He noted that a C-1 zone in this area is in conformance with the long range comprehensive plan, yet staff is recommending denial. He stated that one day before the notifications were mailed out, the Transportation Department requested a TIA. He stated that Title 20 is being quoted as a reason for denial. He noted that Section 20.04.380 reads that a *TIA may be* required. He asked the commission to hear the case and make their decision on land use questions.

Carlos Gallinar, Deputy Director for City Development, noted that these type of applications have to be reviewed by different departments and then they submit their comments to the planning staff. He explained that the reason staff is recommending denial is because the application that is before the commission today is incomplete.

Karla Nieman, Assistant City Attorney, noted that Title 20 for the requirement for a TIA in conjunction with Title 19, the standards for when a TIA is triggered, both of them seem to lie in the division of TxDOT and it up to his staff to decide when a TIA is required or when it can be waived. She noted that legal has reviewed what Mr. Mancera has presented to the commission and Legal's interpretation of the code is that an application has it's requirements. In this situation, the technical expertise says that a TIA is required. By not hearing the case, this helps the applicant because of the fact that there is no TIA and the applicant would have to wait another year before applying.

Commissioner Wright noted that because this case was postponed at the beginning of the meeting and members of the public who were interested in hearing this case and staff from the Department of Transportation are no longer present, the commission decided to deny Mr. Mancera's request to hear his case.

Mr. Mancera agreed to come back in two weeks.

No action was taken.

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7.	**PZRZ14-00039:**	A portion of Tract 4C, (also known as Tract 4C2 and 4C1A), Block 52, Ysleta Grant, City of El Paso, El Paso County, Texas
	Location:	9850 Socorro Road
	Current Zoning:	A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract)
	Existing Use:	Vacant
	Request:	From A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc Commercial/Historic/ special contract)
	Proposed Use:	Office warehouse
	Property Owner:	James R. Gonzalez
	Representative:	Ray Mancera
	District:	6
	Staff Contact:	Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Andrew Salloum, Planner, gave a presentation and noted that the applicant is requesting to rezone the subject property from A-2/sc (Apartment/special contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract) to allow for an office warehouse use. Office warehouses are not permitted in the A-2 (Apartment) zone district. The conceptual site plan shows a 10-unit office warehouse building. Access to the subject property is proposed from Socorro Road. On December 15, 1981, City Council approved a rezoning request for the subject property from R-F (Ranch and Farm) to A-2/sc (Apartment/special contract) and imposed the following condition: *No building permit shall be issued for any construction on the property until a subdivision plat of the property has been approved and filed for record.* The applicant may submit a subdivision application prior to submittal for building permits; the condition does not apply to the rezoning application. Staff has not received any communication in support or in opposition to this request, nor any adverse comments from any of the reviewing departments. Staff recommends approval of rezoning the subject property from A-2/sc (Apartment/special/contract) and A-2/H/sc (Apartment/Historic/special contract) to C-1/sc (Commercial/special contract) and C-1/H/sc (Commercial/Historic/special contract). The recommendation is based on the compatibility with surrounding land use and existing C-1 (Commercial) zoned properties to the north and east of the subject property and compliance with the Plan El Paso land use designation, G-3, Post-War, and the Mission Valley Planning Area.

Ray Mancera, representing the property owner, concurred with staff's comments.

Commissioner Wright 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 Madrid, seconded by Commissioner Ardovino, and unanimously carried to **APPROVE PZRZ14-00039.**

Motion passed.

8.	**PZRZ14-00044:**	All of Tracts 6B and 6G, Block 22, Ysleta Grant, City of El Paso, El Paso County, Texas
	Location:	7063 Alameda Avenue
	Zoning:	C-3 (Commercial)
	Request:	From C-3 (Commercial) to I-MU (Industrial Mixed Use)
	Existing Use:	Auto Sales/Dwelling/Salvage Yard
	Proposed Use:	Auto Sales/Dwelling/Salvage Yard (Auto Parts Storage Only)
	Property Owners:	Francisco and Remedios Ramirez
	Representative:	Francisco Ramirez
	District:	3
	Staff Contact:	Arturo Rubio, (915) 212-1613, rubioax@elpasotexas.gov

***ACTION: WITHOUT OBJECTION PZRZ14-00044 WAS POSTPONED FOR FOUR (4) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF OCTOBER 23, 2014.**

Motion passed.

PUBLIC HEARING Detailed Site Development Plan Applications:

9.	**PZDS13-00021:**	Lots 52 thru 57, Block 1, Barcelona Estates, City of El Paso, El Paso County, Texas
	Location:	12253 Costa Brava
	Zoning:	P-R II/sc (Planned Residential-II/special contract)
	Request:	Detailed Site Development Plan Review per Planned Residential II District
	Existing Use:	Single-family dwelling
	Proposed Use:	Canopy
	Property Owner:	Omar and Adriana Galache
	Representative:	Juan Mendez
	District:	5
	Staff Contact:	Andrew Salloum, (915) 212-1613, salloumam@elpasotexas.gov

Andrew Salloum, Planner, gave a presentation and noted that there is a revised staff report for this request. The request is for a Detailed Site Development Plan Review as required by the special purpose district P-R II (Planned Residential II), which allows for reduction in dimensional standards through the submittal of a detailed site development plan to be reviewed by CPC and City Council. The applicant is proposing the following reductions: from the required 10 foot front yard setback to 6 feet, from the required 20 feet rear yard setback to zero feet, and from the required 10 feet side street yard setback to 3.5 feet. The P-R II (Planned Residential II) allows for flexibility in dimensional standards with the submittal of a detailed site development plan for CPC and City Council review. Access to the subject property is proposed from Costa Brava. Staff did not receive any communication in favor or opposition to this request. Staff recommends approval of the detailed site development plan as it meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

Karla Nieman, Assistant City Attorney, noted that the exception in the Subdivision Code, Section 19.01.030 allows for the exception under the land division.

Sergio Leos, representing the owner, concurred with staff's comments.

Commissioner Wright 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 Madrid, seconded by Commissioner Loweree, and carried to **APPROVE PZDS13-00021.**

AYES: Commissioner Loweree, Brannon, Wright, Amoriello, and Madrid
NAYS: Commissioner Ardovino
ABSENT: Commissioner Erickson, Grambling, and Landeros

Motion passed. (5 to 1 vote)

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Other Business:

10. Discussion and action on the City Plan Commission minutes for:
    a. August 28, 2014
    b. September 11, 2014

1ST MOTION:
ACTION: Motion made by Commissioner Brannon, seconded by Commissioner Loweree, and carried to **APPROVE THE CITY PLAN COMMISSION MINUTES FOR AUGUST 28, 2014.**

AYES: Commissioner Loweree, Brannon, Wright, Amoriello, and Madrid
ABSTAIN: Commissioner Ardovino
ABSENT: Commissioner Erickson, Grambling, and Landeros

Motion passed.

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11. Discussion and action on an ordinance amending Title 20 (Zoning), Chapter 20.02 (Definitions) to amend the definition of shopping center. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.
    Staff Contact: Alex Hoffman, (915) 212-1566, hoffmanap@elpasotexas.gov

Alex Hoffman, Lead Planner, gave a presentation and noted that this is an amendment to the existing definition of "shopping center." He noted that this is a request that came from the development industry. He read some of the changes the development industry requested.

ACTION: Motion made by Commissioner Brannon, seconded by Commissioner Amoriello, and unanimously carried to **APPROVE AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (DEFINITIONS) TO AMEND THE DEFINITION OF SHOPPING CENTER. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Motion passed.

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12. Planning Report:
    Review City Plan Commission Chapter 2.08 of the City's Municipal Code, Chapter 211 Municipal Zoning Authority of the Texas Local Government Code, and by laws.
    Staff Contact: Carlos Gallinar, (915) 212-1559, gallinarrc@elpasotexas.gov

Commissioner Wright noted that the Local Government Code requires that cities have Zoning and Planning Commissions and they are given certain authorities by State Law and then there is a Local Enabling Ordinance by the City of El Paso which says what the local planning commission can do. Among other things, it says that the Plan Commission is required to approve the location of any public buildings by the city. He wants this authority to be followed in accordance with the ordinance or have a discussion with City Council and if they don't intend to do it then change the ordinance. He wants clarification on what the State Laws and Local Ordinance says. He feels it is not well coordinated at this point.

Mr. Mancera noted that the commission has every right to make a recommendation to City Council on every issue having to do with Title 18 and Title 20 because they are mandated by State Law. He noted that every commissioner should have a copy of the State Statute and the Local Ordinance.

Mr. Gallinar agreed to place an item on the next City Plan Commission agenda regarding the section under the Texas Government Code and do the other sections at a later date.

ACTION: Motion made by Commissioner Brannon, seconded by Commissioner Ardovino, and unanimously carried to **POSTPONE THIS ITEM FOR TWO (2) WEEKS, TO THE CITY PLAN COMMISSION MEETING OF OCTOBER 9, 2014.**

Motion passed.

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Commissioner Loweree asked if some of the commissioner's email addresses could be removed from the city's webpage. Karla Nieman will look into it. She told the commissioners that they should not personally respond to questions from the public, they should direct all questions to staff and let staff respond.

Commissioner Ardovino requested that an item on low impact development with water and waste water be placed on a future agenda.

ADJOURNMENT:

Motion made by Commissioner Ardovino, seconded by Commissioner Amoriello, and unanimously carried to adjourn this meeting at 3:37 p.m.

Approved as to form:

Carlos Gallinar, Executive Secretary, City Plan Commission