



CITY PLAN COMMISSION HEARING MINUTES

January 13, 2005

MEMBERS PRESENT:

Miguel Teran
Roman Bustillos
Dick Vorba
John Neal
Gus Haddad
Ray Mancera

OTHERS PRESENT:

Rudy Valdez, PRDD
George Sarmiento, PRDD
Fred Lopez, PRDD
Jorge Rousselin, PRDD
James Shelton, PRDD
Matt Watson, Assistant City Attorney
Sandra Hernandez, Recording Secretary

The City Plan Commission meeting was called to order by Gus Haddad at 1:37 p.m. Council Chambers, 2nd Floor. A quorum of its members was present and Dick Vorba made the introductory statements. Fred Lopez presented changes to the agenda. Motion made by John Neal to accept changes to the agenda, seconded by Dick Vorba and unanimously carried (5-0).

DISCUSSION AND ACTION:

SUBDIVISION MAP APPROVAL

Subdivision Application:

1. **SUB04-00004:** Loma Linda Unit 4 – Revised Combination; Being a replat of portion of Lot 1 and all of Lot 2, Block 2, Hueco View Acres, and a portion of Harkis Road, City of El Paso, El Paso County, Texas. (District 5)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 40 residential lots. The average size lot in the subdivision is 5465 square feet. Primary access to the subdivision is from Edgemere Boulevard. The developer will pay \$12,000 in park fees to satisfy the parkland requirement. Harkis Road, which is an unimproved road, is to be vacated by this plat. Adjacent owners abutting Harkis have all signed affidavits agreeing to the vacation. Mr. Shelton requested that item #12, under Engineering Department Comments be deleted. Mr. Shelton also requested that items #1 and #2 under Engineering Traffic Comments be deleted along with item #4, under Other Requirements and Comments.

Commissioner John Neal asked if the water pressure if the area is low or unsatisfactory low.

Veronica Galindo, EPWU, responded that the water pressure is low but it does not fall below 35 (PSI), which is the TCQ requirement.

Conrad Conde, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (5-0).

2. **SUB04-00038:** Park Hills Unit 10 – Preliminary; Being a portion of Tract 8, H. G. Foster Survey No. 257, portion of Tract 1B3, H. G. Foster Survey No. 258, and a portion of H. G. Foster Survey No. 262, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Agenda items #2 and #15 were heard simultaneously. James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing eight single-family residential lots. Primary access to the subdivision will be from Calle Del Sur Drive. The developer will be receiving a total of .04 acres of credits from a previously dedicated park site. The subdivision will be a gated private community. The developer is requesting a modification to allow for a change in the cross-sections of the proposed 61 foot divided residential street at the entrance of the subdivision and also for a 30 foot minor residential street to allow for five foot sidewalks adjacent to the curb, which will eliminate three feet of parkway, instead of the standard four-foot sidewalk and four-foot landscaped area. The Planning Department recommends that the City Plan Commission find that the modification, if approved, meets criteria #3 of the Subdivision Ordinance.

The Fire Department recommends that fire hydrants be placed within the subdivision itself instead of having turn-around. The Traffic Division has requested a traffic barrier be constructed to ensure protection for errand vehicles. The developer must submit restrictive covenants establishing a homeowner's association that will address the maintenance of the Private Drainage Easement within the subdivision.

Conrad Conde, Representative, agreed with staff recommendations.

Stuart Mitchell, Mountain Arroyo Neighborhood Association, noted that he conditionally supports this plat providing the condition that the covenants provide that the landowners will maintain the open space as open space.

Rudy Valdez, Planning Department, noted that it would be up to the applicant to put that restriction in the covenants and they could make it part of the record.

Mr. Conde agreed to put that restriction in the covenants.

ACTION: Motion made by John Neal to approve, and to have the record reflect both Mr. Mitchell's request and Mr. Conde's response concerning the use of covenants to preserve the arroyo, subject to staff comments, seconded by Ray Mancera and unanimously carried (5-0).

3. **SUB04-00053:** River Park West Unit 5 – Preliminary; Being a portion of Tract 2B, Block 10, Upper Valley Surveys, City of El Paso, El Paso County, Texas. (District 1)

ACTION: Motion made by John Neal to consider public speaking, seconded by Dick Vorba, and unanimously carried (5-0).

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 211 single-family residential lots. Access to the subdivision is proposed from Upper Valley Road and Borderland Road. The smallest size lot in the R-2A zoned portion is 8,050 square feet and in the R-2 portion 10,065 square feet. To satisfy the parkland dedication requirements of the Subdivision Ordinance, the developer will receive a credit of 1.09 acres for a proposed 3.318 acre-park site that was previously approved by City Council. The City Plan Commission also recommended approval of the park dedication on March 13, 2003.

The developer is requesting a modification to allow for a change in the cross-section of the proposed residential sub-collector street (ROW) to allow for five foot sidewalks adjacent to the ½ foot standard curb which will eliminate 2 ½ feet of parkway on each side of the street, instead of the standard four foot sidewalk and four foot landscaped area. The Planning Department requests that the City Plan Commission find that the modification meets criteria #3 of the Subdivision Ordinance.

The City Plan Commission approved the original River Park West Land Study on February 13, 2003. The Land Study was subsequently amended and the City Plan Commission approved the Amended Land Study on April 22, 2004. The developer was required to submit an amended land study because a change in land use for portion of the property proposed from commercial to residential. Originally the developer was proposing 12 acres of commercial development and was then changed to residential development. The developer is proposing to dedicate 40 feet of additional right-of-way for Upper Valley Road and 24 feet for Borderland Road. No improvements are proposed for rights-of-way proposed to be dedicated. Upper Valley Road and Borderland Road are both identified as minor arterials on the City's Major Thoroughfare Plan.

The Engineering Traffic Division has requested that a release of access be required for all lots abutting Borderland Road and Upper Valley Road. Sidewalks will be required within and abutting the subdivision. Mr. Shelton stated he felt that according to the Subdivision Ordinance that this is a minor change and does not alter the arrangement of the land use increased density and relocation of any major circulation elements and does not alter the concept of this development, therefore the developer's request was not unreasonable as far as the preliminary plat is concerned.

Commissioner John Neal asked what is the designation of Borderland Road.

Mr. Shelton replied it is a minor arterial.

Commissioner Neal asked if it is sufficient consideration to be in violation of the land study.

Mr. Shelton replied no.

Rudy Valdez, Planning Department, noted that the staff reviewed the tapes for the April 22, 2004 meeting. Mr. Valdez noted that the motion made by the City Plan Commissioners did not include anything with regard to access to Borderland Road. The motion made by the commission was focused on how the parcels would be divided and how the zoning would be appropriately assigned to the different parcels. When the case went before the City Council the ordinance was prepared as to how the commission had motioned. Mr. Valdez noted that early on in the process the Planning Department asked the developer to provide access to Borderland Road in order to provide better circulation for the development, but the developer opted not to show the access to Borderland at that time. Now the Fire Department prefers to have access for response time.

Commissioner John Neal asked that if it was true that the applicant's representative when making her presentation on this zoning stated that they had no desire for access onto Borderland Road.

Mr. Valdez replied there was reference made to no access by the applicant at the time the zoning was heard by the commission.

Commissioner Roman Bustillos noted that there are 211 houses in the subdivision and the traffic is going east and that is going to congest those three access points to Upper Valley. Commissioner Bustillos asked what the problem was to provide access to Borderland Road.

Chief Marvin Cazzell, Fire Department, noted that the Fire Department was under the assumption that access to Borderland Road would be provided. Chief Cazzell noted that the first responding company coming into this area would be coming down Borderland Road and if they do not have access to Borderland Road it is going to reduce the response time coming into the subdivision.

Cindy Crosby, Representative, agreed with staff recommendations. Ms. Crosby noted that there is one amendment to the verbal staff comments: they are dedicating 36 feet of row on Upper Valley Road, not 40 feet.

Mary Francis Keisling, President of the Save the Valley, noted that they agreed that there would be no access to Borderland Road and it is noted on the City Plan Commission Meeting of April 22, 2004. Fred Lopez and Risher Gilbert made that comment at one point or another. Ms. Keisling gave a brief presentation on what transpired on the April 22, 2004 meeting and other conversations that have taken place between the residents and the developer. Ms. Keisling pleaded to the commission that they

honor the agreement between Mr. Oleary and the residents; and remove the access onto Borderland Road.

Commissioner Roman Bustillos asked why they specifically requested no access to Borderland Road.

Ms. Keisling replied that the neighborhood is an old rural neighborhood and most homes are on large pieces of property. Leaving this area as more of a rural road is their concern.

Cindy Crosby noted that Desert View Homes has been in business over ten years and has sold over 500 homes in this last year. Desert View Homes does not build a reputation and a customer base, based on deceit. The original land study in 2003 had three points of access on Borderland Road and a ten-acre commercial site that was at Borderland Road and Upper Valley. Unfortunately with the Save the Valley Organization there was no negotiations or compromises. Ms. Crosby noted that the minutes indicate that there would be no access to Borderland Road. However, with development there are always changes based on design and needs. The developer has added a lift station for the sewage in this area located at Borderland Road. The PSB requires access to Borderland Road for that lift station. The safety of over 200 residents that will own this property, pay taxes on this property deserve every right to have access from the Fire Department just as everybody else abutting Borderland Road.

ACTION: Motion made by Ray Mancera to adjourn into executive session at 3:25 p.m., seconded by Roman Bustillos and unanimously carried (5-0).

ACTION: Motion made by Ray Mancera to reconvene from executive session at 3:34 p.m., seconded by John Neal and unanimously carried (5-0).

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, to reduce the right of way from 52 feet to 47 feet, and also to not allow ingress or egress or public right of way onto Borderland Road but allow it only for emergency vehicles through a breakthrough barrier as per Section 19.04.170 under B, Conditions: in approving a modification the city plan commission may require or such conditions as will in a judgment, secure substantially the purposes described in Subsection A of this section; seconded by John Neal and carried (4-1). Commissioner Roman Bustillos opposed the motion.

4. **SUB04-00061:** Painted Dunes Unit 2 – Combination; Being a portion of Tract 1A, Section 31, Block 80, Township 1, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas. (District 4)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 54 residential lots. Primary access to the subdivision will be from Sean Haggerty Drive and McCombs Road. The minimum size of has 5,000 square feet. The developer will be required to pay \$70,614 in park fees to satisfy the parkland requirements of the Subdivision Ordinance. This park calculation is based on having a maximum of 24 apartment units per acre equaling to 367 units. Mr. Shelton noted that developer would be required to improve ½ of the right-of-way for Sean Haggerty, up to the eastern limits to the PSB Booster Station. Provide plan and profiles for existing and proposed improvements. Mr. Shelton also noted that a release of access shall be required on residential lots abutting Sean Haggerty Drive and Sean Haggerty Drive shall be improved.

Fermin Dorado, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Miguel Teran and unanimously carried (5-0).

5. **SUB04-00071:** Vaquero Estates – Final; Being a Portion of C.M. Newman Survey No. 219, and a Portion of F.W. Brown Survey No. 224, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 21 residential lots. Primary access to the subdivision will be from Vaquero Drive via Castellano Drive. The minimum size lot will measure 6,038 square feet. The developer will be required to pay \$6,300 in park fees to satisfy the parkland requirements of the Subdivision Ordinance.

Sal Massoud, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (5-0).

6. **SUB04-00078:** River Park West #4 – Final; Being All of Tract 11, Block 10, Upper Valley Surveys, El Paso County, City of El Paso, Texas. (District 1)

ACTION: Motion made by John Neal to postpone for two weeks (01/27/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

7. **SUB04-00079:** Summerlin – Preliminary; Being a Replat of a Portion of WFF Industries Park Unit One Replat A & B and a Portion of WFF Industries Park Unit 2, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 351 residential lots. Primary access to the subdivision will be from Railroad Drive. The minimum size lot has 5,588 square feet. A 1.755 acre park will be part of this plat.

Andy Tellez, Representative, agreed with staff recommendations.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)

8. **SUB04-00087:** The Heights Replat B – Resubdivision combination; All of Lot 26, Block 1, The Heights Addition, Amendment Plan "A" and Portion of Tract 1Y1, Block 1, Ascarate Grant, City of El Paso, El Paso, Texas. (District 7)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: James Shelton, Planning Department, noted that the applicant is proposing to extend the rear property line onto a portion of Tract 1Y1, Block 1, Ascarate Grant, which necessitates a replat of this plat. The size lot is 2,836 square feet.

Oscar Perez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Miguel Teran and unanimously carried (3-0). (Commissioner Ray Mancera left and Commissioner Roman Bustillos abstained.)

9. **SUB04-00088:** Pinnacle Replat A – Resubdivision Combination; Being a Replat of Lots 1 thru 16, Block 1, and All of Pinnacle Peak Drive (Lot 1, Block 2), Pinnacle Subdivision, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Agenda items #9 and #10 were heard simultaneously. James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 25 residential lots for Replat A and 19 residential lots for Replat B. The replat proposes to change the original concept of “private open space” within the platted lots to a new concept of “common open space” within the new replat.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to hear items #9 and #10 simultaneously, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)

10. **SUB04-00089:** Pinnacle Replat B – Resubdivision Combination; Being a Replat of Lots 27 thru 33, Block 1, and All of Pinnacle Ridge Drive (Lot 3, Block 2), Pinnacle Subdivision, City of El Paso, El Paso County, Texas. (District 1)

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Agenda items #9 and #10 were heard simultaneously. James Shelton, Planning Department, noted that the developer is proposing a single-family residential development containing 25 residential lots for Replat A and 19 residential lots for Replat B. The replat proposes to change the original concept of “private open space” within the platted lots to a new concept of “common open space” within the new replat.

Conrad Conde, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by John Neal to hear items #9 and #10 simultaneously, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)

ACTION: Motion made by John Neal to approve, subject to staff comments, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)

PUBLIC HEARING

Street Vacation:

11. **SV04011:** Street Vacation – Rim Road (70' wide) between Oregon Street and El Paso Street, Alexander Addition. (District 1)

ACTION: Motion made by John Neal to postpone for two weeks (01/27/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

Street Dedication

12. **DD04003:** Street Dedication – Request to dedicate a road off of Holmsley Trail. (District 7)

ACTION: Motion made by John Neal to postpone for two weeks (01/27/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

Special Permit Applications:

13. **ZON04-00119:** All of Tracts 5, 6 and 7, AYR Lawn Tract, Ysleta Grant
REQUEST: Parking Reduction
LOCATION: 8061 Alameda
ZONE: C-3 (Commercial), C-4 (Commercial)
PROPOSED USE: Medical Clinic
OWNER/APPLICANT: Daughters of Charity Community Service / San Vicente Centro Familiar De Salud
REPRESENTATIVE: Ed Soltero
DISTRICT: # 7

ACTION: Motion made by John Neal to postpone for two weeks (01/27/05); upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

14. **ZON04-00123:** A portion of Lot 1, Block 38, Altura Park
REQUEST: Monopole Cellular Tower and equipment storage building
LOCATION: 3400 Frankfort Avenue
ZONE: A-2 (Apartment)
PROPOSED USE: Monopole Cellular Tower and equipment storage building
OWNER/APPLICANT: El Paso Electric Company / Alltel Communications
REPRESENTATIVE: Romano & Associates, LLC
DISTRICT: # 2

ACTION: Motion made by John Neal to delete item; upon applicant's request, seconded by Dick Vorba and unanimously carried (5-0).

15. **ZON04-00144:** A portion of Tract 8, H. G. Foster Survey No. 257, portion of Tract 1B3, H. G. Foster Survey No. 258, and a portion of H. G. Foster Survey No. 262
REQUEST: Planned residential development
LOCATION: North of Ojo De Agua Drive and West of Via Descanso Lane
ZONE: R-3A (Residential)
PROPOSED USE: Single-family residential development
OWNER/APPLICANT: EP Park Hills II Ltd. / Same
REPRESENTATIVE: Conde, Inc.
DISTRICT: # 1

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Agenda items #2 and #15 were heard simultaneously. Fred Lopez, Planning Department, noted that the applicant is requesting a special permit to allow for a planned residential development with private streets. The property is 21.33 acres in size and is currently zoned R-3A (Residential). The proposed site plan shows 8 residential lots. The average size of the lots varies between 10,000 square feet and one acre in size. Access is proposed via Calle Del Sur Drive. The Planning Department has received one letter in opposition.

Conrad Conde, Representative, agreed with staff recommendations.

Stuart Mitchell, President of the Mountain Arroyos Neighborhood Association, noted that they are willing to support this proposal if the developer is prepared to commit on the record that this area, which is an arroyo between the existing development and the proposed development, be preserved as open space.

Mr. Conde responded that this site plan will be on record and that common open space is set, not only is it a private drainage easement but it is also called common open space. if that helps any.

ACTION: Motion made by Ray Mancera to approve, subject to staff comments, seconded by John Neal and unanimously carried (5-0).

Rezoning Applications:

16. **ZON04-00133:** Portions of WFF Industries Park #1, Replats A and B and WFF Industries Park Unit #2
LOCATION: Intersection of Railroad Drive and Angora Loop South
REQUEST: From: M-1 (Light Manufacturing); To: R-5 (Residential)
PROPOSED USE: Residential
OWNER/APPLICANT: Geode Limited Partnership / Same
REPRESENTATIVE: ATCON Engineering & Surveying
DISTRICT: # 4

RECOMMENDATION: DCC approval as presented and subject to staff comments.

SUMMARY: Jorge Rousselin, Planning Department, noted that the applicant is requesting a rezoning from M-1 (Light Manufacturing) to R-5 (Residential) in order to permit a residential development. The proposed site plan shows 363 residential lots to be located on the site. Access is proposed via Railroad Drive and Angora Loop South. The Planning Department has received no calls or letters in support or opposition to this request. The Development Coordinating Committee recommended approval of this request with the following condition:

“That any two-story homes constructed adjacent to Railroad Drive will require the installation of double pane windows on the second floor to mitigate potential noise pollution.”

Andy Tellez, Representative, agreed with staff recommendations.

No opposition was presented.

ACTION: Motion made by Dick Vorba to approve, subject to staff comments, seconded by Roman Bustillos and unanimously carried (4-0). (Commissioner Ray Mancera left.)

Other Business:

17. Approval of CPC Minutes: November 11, 2004
ACTION: Motion made by John Neal to approve with changes submitted by John Neal, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)
18. Approval of CPC Minutes: December 2, 2004
ACTION: Motion made by John Neal to approve, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)
19. Approval of CPC Minutes: December 16, 2004
ACTION: Motion made by John Neal to approve with changes submitted by John Neal, seconded by Dick Vorba and unanimously carried (4-0). (Commissioner Ray Mancera left.)
20. Planning Report.
21. Legal Report.

The City Plan Commission Hearing adjourned at 4:45 p.m.

Rudy Valdez, Executive Secretary

OFFICIAL MINUTES AND RECORD OF ACTION

TAKEN BY THE EL PASO CITY PLAN COMMISSION ON JANUARY 13, 2005

, CHAIR
